

SPECIAL AND LOCAL ACTS

OF THE

STATE OF INDIANA,

PASSED AT THE

THIRTY-SIXTH SESSION

OF THE

GENERAL ASSEMBLY.

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BY AUTHORITY.

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# CONSTITUTION OF THE STATE OF INDIANA,

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## PREAMBLE.

**TO THE END**, that justice be established, public order maintained, and liberty perpetuated; **WE**, the People of the State of Indiana, grateful to **ALMIGHTY GOD** for the free exercise of the right to choose our own form of government, do ordain this Constitution.

## ARTICLE I.

### BILL OF RIGHTS.

**SECTION 1.** **WE DECLARE**, That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the People; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well being. For the advancement of these ends, the People have, at all times, an indefeasible right to alter and reform their government.

**SEC. 2.** All men shall be secured in the natural right to worship Almighty God, according to the dictates of their own consciences.



SEC. 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

SEC. 4. No preference shall be given, by law, to any creed, religious society, or mode of worship; and no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent.

SEC. 5. No religious test shall be required, as a qualification for any office of trust or profit.

SEC. 6. No money shall be drawn from the treasury, for the benefit of any religious or theological institution.

SEC. 7. No person shall be rendered incompetent as a witness in consequence of his opinions on matters of religion.

SEC. 8. The mode of administering an oath or affirmation, shall be such as may be most consistent with, and binding upon, the conscience of the person, to whom such oath or affirmation may be administered.

SEC. 9. No law shall be passed, restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever; but for the abuse of that right, every person shall be responsible.

SEC. 10. In all prosecutions for libel, the truth of the matters alleged to be libellous may be given in justification.

SEC. 11. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

SEC. 12. All courts shall be open; and every man, for injury done to him in his person, property, or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial; speedily and without delay.

SEC. 13. In all criminal prosecutions, the accused shall have the right to a public trial, by an impartial jury, in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.

SEC. 14. No person shall be put in jeopardy twice for the same offense. No person in any criminal prosecution shall be compelled to testify against himself.

SEC. 15. No person arrested, or confined in jail, shall be treated with unnecessary rigor.

SEC. 16. Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishments shall not be inflicted. All penalties shall be proportioned to the nature of the offense.

SEC. 17. Offenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable, when the proof is evident, or the presumption strong.

SEC. 18. The penal code shall be founded on the principles of reformation, and not of vindictive justice.

SEC. 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

SEC. 20. In all civil cases, the right of trial by jury shall remain inviolate.

SEC. 21. No man's particular services shall be demanded without just compensation; no man's property shall be taken by law without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

SEC. 22. The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted; and there shall be no imprisonment for debt, except in case of fraud.

SEC. 23. The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms, shall not equally belong to all citizens.

SEC. 24. No *ex post facto* law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 25. No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.

SEC. 26. The operation of the laws shall never be suspended, except by the authority of the General Assembly.

SEC. 27. The privilege of the writ of *habeas corpus* shall not be



suspended, except in case of rebellion or invasion; and then, only if the public safety demand it.

SEC. 28. Treason against the State shall consist only in levying war against it, and in giving aid and comfort to its enemies.

SEC. 29. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.

SEC. 30. No conviction shall work corruption of blood, or forfeiture of estate.

SEC. 31. No law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances.

SEC. 32. The people shall have a right to bear arms, for the defense of themselves and the State.

SEC. 33. The military shall be kept in strict subordination to the civil power.

SEC. 34. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

SEC. 35. The General Assembly shall not grant any title of nobility, nor confer hereditary distinctions.

SEC. 36. Emigration from the State shall not be prohibited.

SEC. 37. There shall be neither slavery, nor involuntary servitude, within the State, otherwise than for the punishment of crimes whereof the party shall have been duly convicted. No indenture of any Negro or Mulatto, made and executed out of the bounds of the State, shall be valid within the State.

## ARTICLE II.

### SUFFRAGE AND ELECTION.

SECTION 1. All elections shall be free and equal.

SEC. 2. In all elections, not otherwise provided for by this Constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male, of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one

year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside.

SEC. 3. No soldier, seaman, or marine, in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State, in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote.

SEC. 4. No person shall be deemed to have lost his residence in the State by reason of his absence, either on business of this State or of the United States.

SEC. 5. No Negro or Mulatto shall have the right of suffrage.

SEC. 6. Every person shall be disqualified from holding office during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward, to procure his election.

SEC. 7. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

SEC. 8. The General Assembly shall have power to deprive of the right of suffrage, and to render ineligible, any person convicted of an infamous crime.

SEC. 9. No person holding a lucrative office or appointment, under the United States, or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted: *Provided*, that offices in the militia, to which there is attached no annual salary, and the office of Deputy Postmaster, where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative: *And provided, also*, that counties containing less than one thousand polls, may confer the office of Clerk, Recorder, and Auditor, or any two of said offices, upon the same person.

SEC. 10. No person who may hereafter be a collector or holder of public moneys, shall be eligible to any office of trust or profit, until he shall have accounted for, and paid over, according to law, all sums for which he may be liable.



SEC. 11. In all cases in which it is provided, that an office shall not be filled by the same person more than a certain number of years continuously, an appointment *pro tempore* shall not be reckoned a part of that term.

SEC. 12. In all cases, except treason, felony, and breach of the peace, electors shall be free from arrest, in going to elections, during their attendance there, and in returning from the same.

SEC. 13. All elections by the people shall be by ballot; and all elections by the General Assembly, or by either branch thereof, shall be *viva voce*.

SEC. 14. All general elections shall be held on the second Tuesday in October.

### ARTICLE III.

#### DISTRIBUTION OF POWERS.

SECTION 1. The powers of the Government are divided into three separate departments; the Legislative, the Executive, including the Administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided.

### ARTICLE IV.

#### LEGISLATIVE.

SECTION 1. The Legislative authority of the State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives. The style of every law shall be: "Be it enacted by the General Assembly of the State of Indiana;" and no law shall be enacted, except by bill.

SEC. 2. The Senate shall not exceed fifty, nor the House of Representatives one hundred members, and they shall be chosen by the electors of the respective counties or districts, into which the State may, from time to time, be divided.

SEC. 3. Senators shall be elected for the term of four years, and Representatives for the term of two years, from the day next after their general election: *Provided however*, that the Senators elect, at the second meeting of the General Assembly under this Constitution,

shall be divided by lot, into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years, and those of the second class, at the expiration of four years, so that one half as nearly as possible, shall be chosen biennially forever thereafter. And in case of increase in the number of Senators, they shall be so annexed, by lot, to one or the other of the two classes, as to keep them as nearly equal as practicable.

SEC. 4. The General Assembly shall, at its second session after the adoption of this Constitution, and every sixth year thereafter, cause an enumeration to be made of all the white male inhabitants over the age of twenty-one years.

SEC. 5. The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of white male inhabitants, above twenty-one years of age in each: *Provided*, that the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly, before the adoption of this Constitution.

SEC. 6. A Senatorial or Representative district, where more than one county shall constitute a district, shall be composed of contiguous counties, and no county for Senatorial apportionment, shall ever be divided.

SEC. 7. No person shall be a Senator or a Representative, who, at the time of his election, is not a citizen of the United States; nor any one who has not been, for two years next preceding his election, an inhabitant of this State, and for one year next preceding his election, an inhabitant of the county or district whence he may be chosen. Senators shall be at least twenty-five, and Representatives at least twenty-one years of age.

SEC. 8. Senators and Representatives, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest, during the session of the General Assembly, and in going to and returning from the same, and shall not be subject to any civil process, during the session of the General Assembly, nor during the fifteen days next before the commencement thereof. For any speech or debate in either House, a member shall not be questioned in any other place.



SEC. 9. The sessions of the General Assembly shall be held biennially at the capital of the State, commencing on the Thursday next after the first Monday of January, in the year one thousand eight hundred and fifty-three, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may at any time by proclamation, call a special session.

SEC. 10. Each House, when assembled, shall choose its own officers, (the President of the Senate excepted,) judge the elections, qualifications and returns of its own members, determine its rules of proceeding, and sit upon its own adjournment. But neither House shall, without the consent of the other, adjourn for more than three days nor to any place other than that in which it may be sitting.

SEC. 11. Two-thirds of each House shall constitute a quorum to do business; but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first five days thereafter, the members of the House so failing, shall be entitled to no compensation, from the end of the said five days, until an organization shall have been effected.

SEC. 12. Each House shall keep a journal of its proceedings, and publish the same. The yeas and nays on any question, shall, at the request of any two members, be entered together with the names of the members demanding the same on the journal: *Provided* that on a motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

SEC. 13. The doors of each House, and of committees of the whole, shall be kept open, except in such cases, as in the opinion of either House may require secrecy.

SEC. 14. Either House may punish its members for disorderly behavior, and may with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

SEC. 15. Either House during its session, may punish by imprisonment, any person not a member who shall have been guilty of disrespect to the House, by disorderly or contemptuous behavior in its presence; but such imprisonment shall not at any time exceed twenty-four hours.

SEC. 16. Each House shall have all powers necessary for a

branch of the Legislative department of a free and independent State.

SEC. 17. Bills may originate in either House, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the House of Representatives.

SEC. 18. Every bill shall be read by sections, on three several days in each House; unless in case of emergency, two-thirds of the House where such bill may be depending shall, by a vote of yeas and nays deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage, shall in no case be dispensed with, and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

SEC. 19. Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SEC. 20. Every act and joint resolution shall be plainly worded, avoiding as far as practicable, the use of technical terms.

SEC. 21. No act shall ever be revised or amended by mere reference to its title; but the act revised, or section amended, shall be set forth and published at full length.

SEC. 22. The General Assembly shall not pass local or special laws, in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of justices of the peace and of constables;

For the punishment of crimes and misdemeanors;

Regulating the practice in courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

For laying out, opening and working on highways, and for the election or appointment of supervisors;

Vacating roads, town plats, streets, alleys and public squares;

Summoning and empanneling grand and petit jurors, and providing for their compensation;

Regulating county and township business;

Regulating the election of county and township officers, and their compensation;



For the assessment and collection of taxes for State, county, township or road purposes;

Providing for supporting common schools, and for the preservation of school funds;

In relation to fees or salaries;

In relation to interest on money;

Providing for opening and conducting elections of State, county, or township officers, and designating the places of voting;

Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees.

SEC. 23. In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State.

SEC. 24. Provision may be made by general law, for bringing suit against the State, as to all liabilities originating after the adoption of this Constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State shall ever be passed.

SEC. 25. A majority of all the members elected to each House, shall be necessary to pass every bill or joint resolution, and all bills and joint resolutions so passed, shall be signed by the presiding officers of the respective Houses.

SEC. 26. Any member of either House shall have the right to protest, and to have his protest with his reasons for dissent, entered on the journal.

SEC. 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

SEC. 28. No act shall take effect, until the same shall have been published and circulated in the several counties of the State by authority, except in case of emergency, which emergency shall be declared in the preamble or in the body of the law.

SEC. 29. The members of the General Assembly shall receive for their services, a compensation to be fixed by law; but no increase of compensation shall take effect during the session at which such increase may be made. No session of the General Assembly, except the first under this Constitution, shall extend beyond the term

of sixty-one days, nor any special session beyond the term of forty days.

SEC. 30. No Senator or Representative shall, during the term for which he may have been elected, be eligible to any office, the election to which is vested in the General Assembly; nor shall he be appointed to any civil office of profit, which shall have been created or the emoluments of which shall have been increased during such term; but this latter provision shall not be construed to apply to any office elective by the people.

## ARTICLE V.

### EXECUTIVE.

SECTION 1. The executive power of the State shall be vested in a Governor. He shall hold his office during four years, and shall not be eligible more than four years in any period of eight years.

SEC. 2. There shall be a Lieutenant Governor, who shall hold his office during four years.

SEC. 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the General Assembly.

SEC. 4. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor and Lieutenant Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

SEC. 5. The persons respectively having the highest number of votes for Governor and Lieutenant Governor, shall be elected; but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall by joint vote, forthwith proceed to elect one of the said persons Governor or Lieutenant Governor as the case may be.

SEC. 6. Contested elections for Governor or Lieutenant Governor, shall be determined by the General Assembly, in such manner as may be prescribed by law.

SEC. 7. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have been five years a citizen of



the United States, and also a resident of the State of Indiana during the five years next preceeding his election; nor shall any person be eligible to either of the said offices, who shall not have attained the age of thirty years.

SEC. 8. No member of Congress, or person holding any office under the United States, or under this State shall fill the office of Governor or Lieutenant Governor.

SEC. 9. The official term of the Governor and Lieutenant Governor, shall commence on the second Monday of January, in the year one thousand eight huudred and fifty-three, and on the same day every fourth year thereafter.

SEC. 10. In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the Lieutenant Governor, and the General Assembly shall by law, provide for the case of removal from office, death, resignation, or inability, both of the Governor and Lieutenant Governor, declaring what officer shall then act as Governor; and such officer shall act accordingly, until the disability be removed or a Governor be elected.

SEC. 11. Whenever the Lieutenant Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for the occasion.

SEC. 12. The Governor shall be commander-in-chief of the military and naval forces, and may call out such forces, to execute the laws, or to suppress insurrection or to repel invasion.

SEC. 13. He shall from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

SEC. 14. Every bill which shall have passed the General Assembly, shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections, to the House in which it shall have originated; which House shall enter the objections at large upon its journals, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that House, shall agree to pass the bill, it shall be sent with the Governor's objections, to the other House, by which it shall likewise be reconsidered, and if approved by a majority of all the members elected to that House, it shall be a law. If any bill shall not be

returned by the Governor within three days, Sundays excepted, after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor within five days next after such adjournment, shall file such bill with his objections thereto in the office of Secretary of State, who shall lay the same before the General Assembly at its next session, in like manner as if it had been returned by the Governor. But no bill shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly.

SEC. 15. The Governor shall transact all necessary business with the officers of government, and may require information in writing, from the officers of the administrative department, upon any subject relating to the duties of their respective offices.

SEC. 16. He shall take care that the laws be faithfully executed.

SEC. 17. He shall have the power to grant reprieves, commutations and pardons after conviction, for all offences, except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the General Assembly, at its next meeting; when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the General Assembly at its next meeting, each case of reprieve, commutation, or pardon granted, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted: *Provided however*, that the General Assembly may, by law, constitute a council, to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, in any case, except such as may, by law, be left to his sole power.

SEC. 18. When during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly; or when at any time, a vacancy shall have occurred in any other State office, or in the office of Judge of any court; the Governor shall fill such vacancy by appointment,



which shall expire when a successor shall have been elected and qualified.

SEC. 19. He shall issue writs of election, to fill such vacancies as may have occurred in the General Assembly.

SEC. 20. Should the seat of government become dangerous from disease, or a common enemy, he may convene the General Assembly at any other place.

SEC. 21. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, have a right when in committee of the whole, to join in debate, and to vote on all subjects; and whenever the Senate shall be equally divided he shall give the casting vote.

SEC. 22. The Governor shall at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

SEC. 23. The Lieutenant Governor, while he shall act as President of the Senate, shall receive for his services, the same compensation as the Speaker of the House of Representatives, and any person acting as Governor, shall receive the compensation attached to the office of Governor.

SEC. 24. Neither the Governor nor Lieutenant Governor shall be eligible to any other office, during the term for which he shall have been elected.

## ARTICLE VI.

### ADMINISTRATIVE.

SECTION 1. There shall be elected, by the voters of the State, a Secretary, an Auditor, and a Treasurer of State, who shall, severally, hold their offices for two years. They shall perform such duties as may be enjoined by law; and no person shall be eligible to either of said offices more than four years in any period of six years.

SEC. 2. There shall be elected, in each county, by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor. The Clerk, Auditor, and Recorder, shall continue in office four years; and no person shall be eligible to the office of Clerk, Recorder, or Auditor, more than eight years in any period of twelve years. The Treasurer, Sheriff, Coroner and Surveyor, shall continue in office

two years; and no person shall be eligible to the office of Treasurer or Sheriff, more than four years in any period of six years.

SEC. 3. Such other county and township officers as may be necessary, shall be elected, or appointed, in such manner as may be prescribed by law.

SEC. 4. No person shall be elected, or appointed, as a county officer, who shall not be an elector of the county; nor any one who shall not have been an inhabitant thereof during one year next preceding his appointment, if the county shall have been so long organized; but if the county shall not have been so long organized, then within the limits of the county or counties out of which the same shall have been taken.

SEC. 5. The Governor, and the Secretary, Auditor and Treasurer of State, shall, severally, reside and keep the public records, books and papers, in any manner relating to their respective offices, at the seat of government.

SEC. 6. All county, township and town officers, shall reside within their respective counties, townships and towns, and shall keep their respective offices at such places therein, and perform such duties, as may be directed by law.

SEC. 7. All State officers shall, for crime, incapacity, or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefor.

SEC. 8. All State, county, township and town officers, may be impeached, or removed from office, in such manner as may be prescribed by law.

SEC. 9. Vacancies in county, township and town offices, shall be filled in such manner as may be prescribed by law.

SEC. 10. The General Assembly may confer upon the Boards doing county business in the several counties, powers of a local, administrative character.

## ARTICLE VII.

### JUDICIAL.

SECTION 1. The Judicial power of the State shall be vested in a Supreme Court, in Circuit Courts, and in such inferior courts as the General Assembly may establish.



SEC. 2. The Supreme Court shall consist of not less than three, nor more than five Judges, a majority of whom shall form a quorum. They shall hold their offices for six years, if they so long behave well.

SEC. 3. The State shall be divided into as many districts as there are Judges of the Supreme Court; and such districts shall be formed of contiguous territory, as nearly equal in population as, without dividing a county, the same can be made. One of said Judges shall be elected from each district, and reside therein; but said Judges shall be elected by the electors of the State at large.

SEC. 4. The Supreme Court shall have jurisdiction co-extensive with the limits of the State, in appeals and writs of error, under such regulations and restrictions as may be prescribed by law. It shall also have such original jurisdiction as the General Assembly may confer.

SEC. 5. The Supreme Court shall, upon the decision of every case, give a statement in writing of each question arising in the record of such case, and the decision of the Court thereon.

SEC. 6. The General Assembly shall provide, by law, for the speedy publication of the decisions of the Supreme Court, made under this Constitution; but no Judge shall be allowed to report such decisions.

SEC. 7. There shall be elected by the voters of the State, a Clerk of the Supreme Court, who shall hold his office four years, and whose duties shall be prescribed by law.

SEC. 8. The Circuit Courts shall each consist of one Judge, and shall have such civil and criminal jurisdiction as may be prescribed by law.

SEC. 9. The State shall, from time to time, be divided into judicial circuits, and a Judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit, and shall hold his office for the term of six years, if he so long behave well.

SEC. 10. The General Assembly may provide by law, that the Judge of one circuit may hold the courts of another circuit, in cases of necessity or convenience; and, in case of temporary inability of any Judge, from sickness or other cause, to hold the courts in his circuit, provision may be made, by law, for holding such courts.

SEC. 11. There shall be elected, in each judicial circuit, by the voters thereof, a Prosecuting Attorney, who shall hold his office for two years.

SEC. 12. Any Judge or Prosecuting Attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.

SEC. 13. The Judges of the Supreme Court and Circuit Courts shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office.

SEC. 14. A competent number of Justices of the Peace shall be elected, by the voters in each township in the several counties. They shall continue in office four years, and their powers and duties shall be prescribed by law.

SEC. 15. All judicial officers shall be conservators of the peace in their respective jurisdictions.

SEC. 16. No person elected to any judicial office, shall, during the term for which he shall have been elected, be eligible to any office of trust or profit, under the State, other than a judicial office.

SEC. 17. The General Assembly may modify or abolish the Grand Jury system.

SEC. 18. All criminal prosecutions shall be carried on in the name and by the authority of the State; and the style of all process shall be, "The State of Indiana."

SEC. 19. Tribunals of conciliation may be established, with such powers and duties as shall be prescribed by law; or the powers and duties of the same may be conferred upon other courts of justice; but such tribunals or other courts, when sitting as such, shall have no power to render judgment to be obligatory on the parties, unless they voluntarily submit their matters of difference, and agree to abide the judgment of such tribunal or court.

SEC. 20. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the appointment of three Commissioners, whose duty it shall be to revise, simplify and abridge, the rules, practice, pleadings and forms, of the courts of justice. And they shall provide for abolishing the distinct forms of action at law, now in use; and that justice shall be administered in a uniform mode of pleading, without distinction between law and equity. And the General Assembly may, also, make it the duty of said Commissioners to reduce into a systematic code, the general statute law of the State; and said Commissioners shall report the result of their labors to the General Assembly, with such recommendations and



suggestions, as to abridgment and amendment, as to said Commissioners may seem necessary or proper. Provision shall be made, by law, for filling vacancies, regulating the tenure of office, and the compensation of said Commissioners.

SEC. 21. Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice.

## ARTICLE VIII.

### EDUCATION.

SECTION 1. Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government, it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific and agricultural improvement, and to provide, by law, for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all.

SEC. 2. The Common School fund shall consist of the Congressional township fund, and the lands belonging thereto;

The Surplus Revenue fund;

The Saline fund and the lands belonging thereto;

The Bank Tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;

The fund to be derived from the sale of county seminaries, and the moneys and property heretofore held for such seminaries; from the fines assessed for breaches of the penal laws of the State, and from all forfeitures which may accrue;

All lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance;

All lands that have been, or may hereafter be, granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof, including the proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress of the 28th September, 1850, after deducting the expense of selecting and draining the same;

Taxes on the property of corporations, that may be assessed for Common School purposes.

SEC. 3. The principal of the Common School fund shall remain a perpetual fund, which may be increased, but shall never be dimin-

ished; and the income thereof shall be inviolably appropriated to the support of Common Schools, and to no other purpose whatever.

SEC. 4. The General Assembly shall invest, in some safe and profitable manner, all such portions of the Common School fund as have not heretofore been entrusted to the several counties; and shall make provision, by law, for the distribution, among the several counties, of the interest thereof.

SEC. 5. If any county shall fail to demand its proportion of such interest, for Common School purposes, the same shall be re-invested for the benefit of such county.

SEC. 6. The several counties shall be held liable for the preservation of so much of the said fund as may be entrusted to them, and for the payment of the annual interest thereon.

SEC. 7. All trust funds, held by the State, shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created.

SEC. 8. The General Assembly shall provide for the election, by the voters of the State, of a State Superintendent of Public Instruction, who shall hold his office for two years, and whose duties and compensation shall be prescribed by law.

## ARTICLE IX.

### STATE INSTITUTIONS.

SECTION 1. It shall be the duty of the General Assembly to provide, by law, for the support of Institutions for the education of the Deaf and Dumb, and of the Blind; and also for the treatment of the Insane.

SEC. 2. The General Assembly shall provide Houses of Refuge, for the correction and reformation of juvenile offenders.

SEC. 3. The county boards shall have power to provide farms, as an asylum for those persons who, by reason of age, infirmity, or other misfortune, may have claims upon the sympathies and aid of society.

## ARTICLE X.

### FINANCE.

SECTION 1. The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation, and shall pre-



scribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious or charitable purposes, as may be specially exempted by law.

SEC. 2. All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may, at any time, remain in the treasury, derived from taxation for general State purposes, after the payment of the ordinary expenses of the government, and of the interest on bonds of the State, other than Bank bonds, shall be annually applied, under the direction of the General Assembly, to the payment of the principal of the public debt.

SEC. 3. No money shall be drawn from the treasury, but in pursuance of appropriations made by law.

SEC. 4. An accurate statement of the receipts and expenditures of the public money, shall be published with the laws of each regular session of the General Assembly.

SEC. 5. No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: To meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for the public defense.

SEC. 6. No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription; nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company; nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town or township, nor of any corporation whatever.

## ARTICLE XI.

### CORPORATIONS.

SECTION 1. The General Assembly shall not have power to establish or incorporate any bank or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

SEC. 2. No banks shall be established otherwise than under a

general banking law, except as provided in the fourth section of this article.

SEC. 3. If the General Assembly shall enact a general banking law, such law shall provide for the registry and countersigning, by an officer of State, of all paper credit designed to be circulated as money; and ample collateral security, readily convertible into specie, for the redemption of the same in gold or silver, shall be required, which collateral security shall be under the control of the proper officer or officers of State.

SEC. 4. The General Assembly may also charter a bank with branches, without collateral security, as required in the preceding section.

SEC. 5. If the General Assembly shall establish a bank with branches, the branches shall be mutually responsible for each other's liabilities, upon all paper credit issued as money.

SEC. 6. The stockholders in every bank, or banking company, shall be individually responsible, to an amount over and above their stock, equal to their respective shares of stock, for all debts or liabilities of said bank or banking company.

SEC. 7. All bills or notes issued as money, shall be, at all times, redeemable in gold or silver; and no law shall be passed sanctioning, directly or indirectly, the suspension, by any bank or banking company, of specie payments.

SEC. 8. Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all other creditors.

SEC. 9. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed, by law, to individuals loaning money.

SEC. 10. Every bank, or banking company, shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter to close its business.

SEC. 11. The General Assembly is not prohibited from investing the Trust Funds in a bank with branches; but, in case of such investment, the safety of the same shall be guarantied by unquestionable security.

SEC. 12. The State shall not be a stockholder in any bank, after the expiration of the present bank charter; nor shall the credit of the State ever be given, or loaned, in aid of any person, association, or



corporation; nor shall the State hereafter become a stockholder in any corporation or association.

SEC. 13. Corporations, other than banking, shall not be created by special act, but may be formed under general laws.

SEC. 14. Dues from corporations, other than banking, shall be secured by such individual liability of the corporators, or other means, as may be prescribed by law.

## ARTICLE XII.

### MILITIA.

SECTION 1. The militia shall consist of all able-bodied white male persons, between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this State; and shall be organized, officered, armed, equipped and trained, in such manner as may be provided by law.

SEC. 2. The Governor shall appoint the Adjutant, Quartermaster and Commissary Generals.

SEC. 3. All militia officers shall be commissioned by the Governor, and shall hold their offices not longer than six years.

SEC. 4. The General Assembly shall determine the method of dividing the militia into divisions, brigades, regiments, battallions and companies, and fix the rank of all staff officers.

SEC. 5. The militia may be divided into classes of sedentary and active militia, in such manner as shall be prescribed by law.

SEC. 6. No person conscientiously opposed to bearing arms, shall be compelled to do militia duty; but such person shall pay an equivalent for exemption, the amount to be prescribed by law.

## ARTICLE XIII.

### NEGROES AND MULATTOES.

SECTION 1. No negro or mulatto shall come into, or settle in, the State, after the adoption of this Constitution.

SEC. 2. All contracts made with any negro or mulatto coming into the State, contrary to the provisions of the foregoing section, shall be void; and any person who shall employ such negro or mulatto, or otherwise encourage him to remain in the State, shall be fined in any sum not less than ten dollars, nor more than five hundred dollars.

SEC. 3. All fines which may be collected for a violation of the provisions of this article, or of any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such negroes and mulattoes, and their descendants, as may be in the State at the adoption of this Constitution, and may be willing to emigrate.

SEC. 4. The General Assembly shall pass laws to carry out the provisions of this article.

## ARTICLE XIV.

### BOUNDARIES.

SECTION 1. In order that the boundaries of the State may be known and established, it is hereby ordained and declared, that the State of Indiana is bounded on the East by the meridian line which forms the western boundary of the State of Ohio; on the South by the Ohio river, from the mouth of the Great Miami river to the mouth of the Wabash river; on the West by a line drawn along the middle of the Wabash river, from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the north-western shore of said Wabash river; and thence by a due north line until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of Lake Michigan; on the North by said east and west line, until the same shall intersect the first mentioned meridian line, which forms the western boundary of the State of Ohio.

SEC. 2. The State of Indiana shall possess jurisdiction and sovereignty co-extensive with the boundaries declared in the preceding section; and shall have concurrent jurisdiction, in civil and criminal cases, with the State of Kentucky on the Ohio river, and with the State of Illinois on the Wabash river, so far as said rivers form the common boundary between this State and said States respectively.

## ARTICLE XV.

### MISCELLANEOUS.

SECTION 1. All officers, whose appointment is not otherwise provided for in this Constitution, shall be chosen in such manner as now is, or hereafter may be, prescribed by law.



SEC. 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and, if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the General Assembly shall not create any office, the tenure of which shall be longer than four years.

SEC. 3. Whenever it is provided in this Constitution, or in any law which may be hereafter passed, that any officer, other than a member of the General Assembly, shall hold his office for any given term, the same shall be construed to mean, that such officer shall hold his office for such term, and until his successor shall have been elected and qualified.

SEC. 4. Every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof, take an oath or affirmation, to support the Constitution of this State, and of the United States, and also an oath of office.

SEC. 5. There shall be a Seal of State, kept by the Governor for official purposes, which shall be called the Seal of the State of Indiana.

SEC. 6. All commissions shall issue in the name of the State, shall be signed by the Governor, sealed with the State Seal, and attested by the Secretary of State.

SEC. 7. No county shall be reduced to an area less than four hundred square miles; nor shall any county, under that area, be further reduced.

SEC. 8. No lottery shall be authorized; nor shall the sale of lottery tickets be allowed.

SEC. 9. The following grounds, owned by the State in Indianapolis, namely; the State House Square, the Governor's Circle, and so much of out-lot numbered one hundred and forty-seven, as lies north of the arm of the Central Canal, shall not be sold or leased.

SEC. 10. It shall be the duty of the General Assembly to provide for the permanent enclosure and preservation of the Tippecanoe Battle Ground.

## ARTICLE XVI.

### AMENDMENTS.

SECTION 1. Any amendment or amendments to this Constitution, may be proposed in either branch of the General Assembly; and if the same shall be agreed to by a majority of the members elected to

each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and referred to the General Assembly to be chosen at the next general election; and if, in the General Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the State; and if a majority of said electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately; and while an amendment or amendments, which shall have been agreed upon by one General Assembly, shall be awaiting the action of a succeeding General Assembly, or of the electors, no additional amendment or amendments shall be proposed.

### SCHEDULE.

This Constitution, if adopted, shall take effect on the first day of November, in the year one thousand eight hundred and fifty-one, and shall supersede the Constitution adopted in the year one thousand eight hundred and sixteen. That no inconvenience may arise from the change in the government, it is hereby ordained as follows:

*First.* All laws now in force, and not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.

*Second.* All indictments, prosecutions, suits, pleas, complaints and other proceedings, pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari and injunctions, shall be carried on in the several courts in the same manner as is now provided by law.

*Third.* All fines, penalties and forfeitures, due or accruing to the State, or to any county therein, shall inure to the State, or to such county, in the manner prescribed by law. All bonds executed to the State, or to any officer, in his official capacity, shall remain in force, and inure to the use of those concerned.

*Fourth.* All acts of incorporation for municipal purposes, shall continue in force under this Constitution until such time as the General Assembly shall, in its discretion, modify or repeal the same.



*Fifth.* The Governor, at the expiration of the present official term, shall continue to act until his successor shall have been sworn into office.

*Sixth.* There shall be a session of the General Assembly, commencing on the first Monday of December, in the year one thousand eight hundred and fifty-one.

*Seventh.* Senators now in office and holding over, under the existing Constitution, and such as may be elected at the next general election, and the Representatives then elected, shall continue in office until the first general election under this Constitution.

*Eighth.* The first general election under this Constitution, shall be held in the year one thousand eight hundred and fifty-two.

*Ninth.* The first election for Governor, Lieutenant Governor, Judges of the Supreme Court and Circuit Courts, Clerk of the Supreme Court, Prosecuting Attorney, Secretary, Auditor and Treasurer of State, and State Superintendent of Public Instruction, under this Constitution, shall be held at the general election in the year one thousand eight hundred and fifty-two; and such of said officers as may be in office when this Constitution shall go into effect, shall continue in their respective offices until their successors shall have been elected and qualified.

*Tenth.* Every person elected by popular vote, and now in any office which is continued by this Constitution, and every person who shall be so elected to any such office before the taking effect of this Constitution, (except as in this Constitution otherwise provided,) shall continue in office until the term for which such person has been or may be elected, shall expire: *Provided*, that no such person shall continue in office after the taking effect of this Constitution, for a longer period than the term of such office in this Constitution prescribed.

*Eleventh.* On the taking effect of this Constitution, all officers thereby continued in office, shall, before proceeding in the further discharge of their duties, take an oath, or affirmation, to support this Constitution.

*Twelfth.* All vacancies that may occur in existing offices, prior to the first general election under this Constitution, shall be filled in the manner now prescribed by law.

*Thirteenth.* At the time of submitting this Constitution to the electors for their approval or disapproval, the article numbered thir-

teen, in relation to negroes and mulattoes, shall be submitted as a distinct proposition, in the following form: "Exclusion and Colonization of Negroes and Mulattoes," "Aye" or "No." And if a majority of the votes cast shall be in favor of said article, then the same shall form a part of this Constitution; otherwise it shall be void, and form no part thereof.

*Fourteenth.* No article or section of this Constitution shall be submitted, as a distinct proposition, to a vote of the electors, otherwise than as herein provided.

*Fifteenth.* Whenever a portion of the citizens of the counties of Perry and Spencer shall deem it expedient to form, of the contiguous territory of said counties, a new county, it shall be the duty of those interested in the organization of such new county, to lay off the same by proper metes and bounds, of equal portions as nearly as practicable, not to exceed one-third of the territory of each of said counties. The proposal to create such new county shall be submitted to the voters of said counties, at a general election, in such manner as shall be prescribed by law. And if a majority of all the votes given at said election, shall be in favor of the organization of said new county, it shall be the duty of the General Assembly to organize the same, out of the territory thus designated.

*Sixteenth.* The General Assembly may alter or amend the charter of Clarksville, and make such regulations as may be necessary for carrying into effect the objects contemplated in granting the same; and the funds belonging to said town shall be applied according to the intention of the grantor.

Done in Convention, at Indianapolis, the tenth day of February, in the year of our Lord one thousand eight hundred and fifty-one; and of the Independence of the United States, the seventy-fifth.

GEORGE WHITFIELD CARR,

*President.*

Attest:

WM. H. ENGLISH,

*Principal Secretary.*

GEORGE L. SITES,  
HERMAN G. BARKWELL, } *Assistant Secretaries.*  
ROBERT M. EVANS,



## LOCAL AND SPECIAL LAWS.

### CHAPTER I.

#### *AN ACT to suspend certain acts therein named.*

(APPROVED JUNE 18, 1852.)

##### SECTION—

1. Certain acts suspended.
2. Act concerning Indiana University suspended.

##### SECTION—

3. Duty of Secretary of State.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana, That the following acts of this General Assembly, be and the same are hereby suspended for the term of five years, from and after the passage of this act:*

*First.* An act making general provisions concerning courts of justice, and the powers and duties of judicial officers, &c.; approved March 9, 1852.

*Second.* An act to provide for the organization of county boards and defining their powers and duties; approved March 7, 1852.

**SEC. 2.** An act to organize the board of trustees of the Indiana University, defining their powers and duties and providing for the election of president and other officers, and pointing out their powers and duties; approved March 8, 1852.

**SEC. 3.** The Secretary of State is hereby directed not to publish said acts.



## CHAPTER II.

*AN ACT transferring the duties of county agent to county auditor.*

(APPROVED MAY 13, 1852.)

## SECTION—

1. County auditors shall demand of county agents, books, bonds, notes, &c., and may bring suit for possession thereof.

## SECTION—

2. County board may authorize auditor to sell land.  
3. Compensation of auditor.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* The duties heretofore performed by county agents shall devolve on the auditors of the proper counties respectively, and such auditors shall demand of such agents all books, bonds, notes and conveyances belonging to their agencies, and may prosecute suit for the recovery of the possession thereof, in the name and for the use of the board of commissioners of the proper county.

SEC. 2. The board of commissioners of the several counties may authorize the auditors of their respective counties to sell and make conveyances for any lands owned by such county, and prosecute suits for the collection of the purchase money thereof.

SEC. 3. For all services touching such agency, such board shall allow such auditors reasonable compensation.

## CHAPTER III.

*AN ACT regulating appeals from the awards of arbitrators to assess damages in certain cases.*

(APPROVED JUNE 14, 1852.)

## SECTION—

1. Prescribing the court to which appeals from the award of arbitrators shall be taken in certain cases.

## SECTION—

2. Emergency declared.

WHEREAS, It is provided in the acts incorporating certain railroad companies in this State, that all appeals from any award of any board of arbitrators, assessing or refusing to assess damages against any such railroad company, for locating or constructing

any such road on the land of any person, or for damages resulting from the taking or destruction of any timber or other materials by any such company, shall be taken to the county where the principal office of such company may be located;

AND WHEREAS, sundry such appeals are about being taken, and will be taken and brought on for trial before the publication of the laws of this session, thereby putting the claimants of such damage to great trouble and expense, which they might avoid, if said appeals were allowed to be taken to the circuit court of the county where such land or materials may be; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all appeals from any award of any arbitrators heretofore chosen, or that may hereafter be chosen to assess the damage sustained by any person in consequence of the construction or location of any railroad, on any such land, or in consequence of the taking, or destruction of any timber or other materials by any such company, shall be taken to the circuit court of the county where such land, timber or other materials may be situate.

SEC. 2. Whereas, in the opinion of this General Assembly, an emergency exists for the immediate taking effect of this act, it shall therefore take effect and be in force from and its passage and publication in the Indiana Sentinel, Indiana Journal, and Indiana Statesman.

## CHAPTER IV.

*AN ACT making general appropriations for the year 1852.*

(APPROVED JUNE 18, 1852.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of meeting the expenses of the State government for the year 1852, the following sums are hereby appropriated, namely: for the General Assembly, eighty-five thousand dollars; for the judiciary, seventeen thousand dollars; for the executive officers, seven thousand dollars; for the public printing and binding, twelve thousand dollars; for the probate judges, five thousand dollars; for specific appropriations, two thousand dollars; for stationery and fuel, three thousand dollars; for the State Prison, three thousand five hundred dollars; for distribution of the laws and journals, five hundred dollars; for expenses of the militia, three



hundred dollars; for the State Library, eight hundred dollars; for the State House, one thousand dollars; for the Governor's house, five hundred dollars; for the transportation and preservation of the public arms, one hundred dollars; for the "Governor's circle," one hundred dollars; for prosecuting attorneys, two thousand dollars; and for the contingent fund seven hundred dollars.

SEC. 2. That the sum of twenty thousand dollars be appropriated for the institution for the education of the blind, three thousand five hundred dollars of which is to be applied to meet the obligations of the year 1851, seven thousand five hundred dollars for the support of the institution for the year ending March 1st, 1853, and nine thousand for building, grading and fencing.

SEC. 3. That the sum of six thousand dollars be appropriated for the use of the Hospital for the Insane; of which sum, five thousand dollars is to be applied to the support of the institution for the current year, and one thousand dollars for building and incidental expenses.

SEC. 4. That the sum of nineteen thousand and seventy-nine dollars and thirty-nine cents be appropriated for the institution for the education of the deaf and dumb; of which sum, fifteen thousand five hundred and seventy-nine dollars and thirty-nine cents [shall] be applied for current expenses of the support of the institution, and the payment of a portion of its indebtedness, and three thousand five hundred dollars [shall] be applied towards the construction of work-shops in connection with the institution.

## CHAPTER V.

### AN ACT making specific appropriations for the year 1852.

(APPROVED JUNE 18, 1852.)

#### SECTION—

1. Allowance to principal secretary of the Senate and clerk of the House, and their assistants.
2. To Stephen G. Dodge.
3. To Charles P. Ferguson.
4. To Strange S. Dunn.
5. To Washington L. Black.
6. To Benjamin F. Wallace.
7. To William W. Leviston.
8. To Daniel Radebaugh.
9. To Daniel Marks.
10. To J. Y. Bryant.
11. To door-keepers of the Senate and House.

#### SECTION

12. To James S. Athon, Robert N. Hudson, and Andrew J. Hay.
13. To E. C. Boyd.
14. To Robson and Lawrence, W. C. Thompson, Wood & Foudrey, Weaver & Williams and Mary McLain.
15. To Jacob Kirkendall.
16. To John Fabey.
17. To Hugh Slevin.
18. To State Board of Agriculture.
19. To Joseph A. Messick.
20. To Foote & Rice.
21. To Sidney S. Lyon.

#### SECTION—

22. To John Lockwood.
23. To R. M. Allen.
24. To Robert A. Chandler.
25. To estate of Bradford Glazebrook, deceased.
26. To E. G. Holladay, J. B. Fitler & Co., and Drs. Bullard and Mothershead.
27. To William Sheets.
28. To William H. B. Douglass.
29. To A. P. Carroll.
30. To A. W. Russell for postage.
31. To John D. Ferguson for prosecuting under special appointment.
32. To John McKinney for carpenter work.
33. To William Walden for whitewashing Hall.
34. Patrick Kennedy for repairing Hall and sawing wood.
35. To Andrew A. Loudon for repairs to State House.
36. To H. S. Kellogg for lightning rod.
37. To Wood & Foudrey for hack hire.
38. To R. L. McQuat for ventilator.
39. To Widow Wenly for washing.
40. To G. W. Patterson for ribbon, &c.
41. To A. G. Willard for black crape.
42. To H. Parrish for carpet.
43. To John F. Hill for crape.
44. To Seaton & Holman for stationery, &c.
45. To S. Merrill for stationery.
46. To Thomas J. Cox for stove pans, &c.
47. To Craighead & Browning for stationery.
48. To Julius Botticher for furnishing German newspaper.
49. To Porter & Barbour and D. Wallace for legal services.
50. To John Harrington for services.
51. To Wainwright & Bro. for stove and fixtures.
52. To Mansur & Ferguson for stationery.
53. To S. Hetselgesser for wheelbarrow.
54. To P. M. Kent for printing Constitution, &c.
55. To S. & W. E. Merrill for stationery.
56. To Weaver & Williams for repairs, &c.
57. To J. F. Hill for stationery.
58. To H. J. Horn for carpet.

#### SECTION

59. To W. W. Roberts for stationery.
60. To Craighead and Browning for stationery.
61. To principal clerk of House for indexing, &c.
62. To door keeper for services during recess.
63. To Ross and Ray for stationery.
64. To J. M. Talbot for stationery.
65. To Weaver and Williams, sundries furnished for use of State House.
66. To Browning and Mayer for brooms, &c.
67. To Charles B. Davis for stationery.
68. To Charles Mayer for mops, &c.
69. To J. D. Defrees for copies of Daily Journal.
70. To Austin H. Brown for copies of State Sentinel.
71. To Elder and Harkness for Locomotive.
72. To Ellis and Spann for Statesman.
73. To clerks of revision committee.
74. To H. Perry for services.
75. To J. P. Drake for services as superintendent.
76. To W. B. Taylor for services.
77. To J. D. Williams for mileage.
78. To Adjutant General for office rent.
79. To widow of Bradford Glazebrook, deceased.
80. To Little and Wiggins and others, expenses of last illness and funeral of I. H. Morris, deceased.
81. To Secretary of State for extra enrolling.
82. To widow of H. Hostetter, per diem.
83. To E. W. Neff for services.
84. To A. and J. C. S. Harrison for crape.
85. For gas light.
86. To W. Ray for arresting fugitives.
87. To Amos Ross for conveying prisoners, &c.
88. To Joseph Gray, amount overpaid into State Treasury.
89. To John Fitzpatrick and others for attending court as witnesses.
90. To Little, Drum and Andersons for stationery.
91. To E. W. H. Ellis, traveling expenses in trip to sell stocks.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the principal and assistant secretaries of the Senate, and the principal and assistant clerks of the House of Representatives, shall each be allowed the sum of four dollars per day for every day they may have served as such during the present session of the General Assembly, and that such assistants as may have been necessarily employed by any of the aforesaid secretaries and clerks be allowed the sum of four dollars for each day so employed, to be ascertained and certified by the said secretaries of the Senate and clerks of the House of Representatives, respectively.

SEC. 2. That Stephen G. Dodge be allowed the sum of three dollars per day for services as clerk to the committee of Ways and Means, to be ascertained and certified by the chairman of that committee.

SEC. 3. That Charles P. Ferguson be allowed the sum of three dollars per day for services as clerk of the House committee on the judiciary to be ascertained and certified by the chairman of that committee.

SEC. 4. That Strange S. Dunn be allowed the sum of three



dollars per day, for services as clerk to the House committee on the Judiciary, to be ascertained and certified by the chairman of that committee.

SEC. 5. That Washington L. Black be allowed three dollars per day, for services as clerk to the House committee on the organization of courts of justice, to be ascertained and certified by the chairman of that committee.

SEC. 6. That Benjamin F. Wallace be allowed three dollars per day for services as clerk to the House committee on Roads, to be ascertained and certified by the chairman of that committee.

SEC. 7. That William W. Leviston be allowed three dollars per day, for services to the House committee on corporations, to be certified by the chairman of that committee.

SEC. 8. That Daniel Radebaugh be allowed three dollars per day, for fourteen days service as clerk to the Senate committee on Roads, for sixteen days service as clerk to the Senate committee on Elections, for twenty days service as clerk to the Senate committee on Constitutional questions, &c., and for fifteen days service as clerk to the House committee on Corporations, as certified by the chairman of those committees respectively.

SEC. 9. That Thomas Marks be allowed three dollars per day, for services as clerk to the Senate committee on the Judiciary, to be certified by the chairman of that committee.

SEC. 10. That John Y. Bryant be allowed three dollars per day, for sixteen days service, and that Caleb Mills be allowed three dollars per day for thirty days service as clerks to the joint committee on Education.

SEC. 11. That the door-keeper of the Senate and the door-keeper of the House of Representatives be allowed three dollars for each day they may have served as such, to be certified by the presiding officers of the two Houses respectively, and that the assistant door-keepers of the Senate and House of Representatives be each allowed three dollars for every day they may have served as such, to be computed by their principals and certified in the same manner as the services of their principals.

SEC. 12. That James S. Athon, Robert N. Hudson, and Andrew J. Hay, be allowed the sum of fifteen dollars and ten cents for expenses incurred by them as a joint committee of visitors to the State Prison.

SEC. 13. That E. C. Boyd be allowed the sum of fifty-six dollars for fourteen days service as assistant to the assistant clerk of the House of Representatives.

SEC. 14. That Robson and Lawrence be allowed the sum of six dollars for carriages, W. C. Thompson, M. D., the sum of eight dollars and fifty cents for medical services, Wood and Foudrey the sum of five dollars for carriages, Weaver and Williams the sum of fifty-two dollars for coffin and undertakers expenses, and Mary McLain the sum of twenty-five dollars for extra attentions and services, be-

ing expenses of the last sickness and funeral of the Hon. Joseph W. Holliday, the Representative from the county of Blackford.

SEC. 15. That Jacob Kirkendall be allowed the sum of one hundred and thirty-six dollars and thirty-two cents, in full for the services and expenses of himself and assistants in arresting Abram Buckley, a fugitive from justice under a requisition from the Governor of this State, and bringing him from Bureau county in the State of Illinois and delivering him into the custody of the sheriff of Kosciusko county.

SEC. 16. That John Fabey be allowed the sum of eighty-eight dollars for sawing wood for the use of the General Assembly, at the rate of one dollar per day.

SEC. 17. That Hugh Slevin be allowed the sum of eighty-five dollars for sawing wood for the use of the General Assembly, at the rate of one dollar per day.

SEC. 18. That the sum of two thousand dollars be appropriated for the use of the State Board of Agriculture, for the year 1852, to be receipted for by the president of the board.

SEC. 19. That Joseph A. Messick be allowed the sum of fifteen dollars for cleaning and fitting up the Senate chamber, at the commencement of the present session.

SEC. 20. That Foote and Rice be allowed three dollars and fifty five cents for eleven spittoons, furnished for the use of the General Assembly.

SEC. 21. That Sidney S. Lyon be allowed the sum of seventy-two dollars for services as engineer at the State Prison.

SEC. 22. That John Lockwood be allowed the sum of six hundred and forty-three dollars and fifty-nine cents, for furnishing and fitting up gas pipes, burners and fixtures for the State House.

SEC. 23. That R. M. Allen be allowed the sum of ten dollars for fees as justice of the peace, in taking depositions in the case of the State of Indiana, against the Board of Trustees of the Wabash and Erie Canal.

SEC. 24. That Robert A. Chandler be allowed the sum of six dollars and twenty-five cents, being the amount by him paid to E. J. Earnheart, for his fees as a notary public in taking depositions in the case of the State of Indiana against the Board of Trustees of the Wabash and Erie Canal.

SEC. 25. That the sum of one hundred dollars be allowed and paid to [the] Executor of the estate of the Honorable Bradford Glazebrook, deceased, late Representative from the county of Putnam, being expenses of the last illness and funeral of the said Bradford Glazebrook.

SEC. 26. That the sum of sixty-one dollars and twenty-five cents be allowed to Hon. E. G. Holladay, for expenses paid by him, the sum of forty-one dollars to J. B. Fidler and Co., undertakers, and the sum of twenty dollars to Messrs. Bullard and Mothershead, physicians, for the expenses of the last illness and funeral of the Hon.



Henry Hostetter, late Representative from the county of Vermillion.

SEC. 27. That William Sheets be allowed the sum of sixty dollars and eleven cents, for expenses of distributing the laws and journals of the last General Assembly and the eighth volume of Blackford's reports.

SEC. 28. That William H. B. Douglass be allowed the sum of nine dollars for services in cleaning and fitting up the Hall of the House of Representatives at the commencement of its session of 1851.

SEC. 29. That A. P. Carroll of Howard county, be allowed the sum of eighty-six dollars, for services and expenses in arresting Charles Smith, a fugitive from justice, under a requisition of the Governor of this State.

SEC. 30. That Alexander W. Russell be allowed ten dollars and twenty-seven cents, the amount due him for postage on the official correspondence of Hon. John W. Davis, as Speaker of the House of Representatives, and that Hon. Wm. H. English be allowed the sum of three dollars, postage paid by him as Speaker of the House of Representatives.

SEC. 31. That John D. Ferguson be allowed the sum of one hundred and fifty dollars, for services in prosecuting under special appointment of the Clark circuit court, on behalf of the State against William Gross and Charles Gates under indictment for murder.

SEC. 32. That John McKinney be allowed two dollars for a clothes rack for the use of the House of Representatives.

SEC. 33. That William Walden be allowed the sum of five dollars and fifty cents, for whitewashing the Hall of the House and Senate chamber.

SEC. 34. That Patrick Kennedy be allowed five dollars for five days labor in repairing the Hall of the House and Senate chamber, and twelve dollars and fifty cents for sawing twenty-five cords of wood and putting the same in the cellar.

SEC. 35. That Andrew A. Loudon be allowed the sum of thirty-seven dollars and fifty cents for putting up lightning rods and repairing the cupola of the State House.

SEC. 36. That H. S. Kellogg be allowed fifteen dollars and forty cents, for 180 feet of lightning rod and one point for the State House.

SEC. 37. That Wood and Foudrey be allowed five dollars, for the hire of two hacks at the funeral of Hon. Isaac H. Morris, late Representative from Henry county.

SEC. 38. That R. L. McOuatt be allowed one dollar and fifty cents for putting up a ventilator in the Hall of the House of Representatives.

SEC. 39. That widow Wehrly be allowed one dollar and thirty cents, for washing towels for the use of the State House.

SEC. 40. That G. W. Patterson be allowed one dollar and

twenty-five cents, for ribbon procured for the use of the House, and fifteen cents for a gas pipe wrench.

SEC. 41. That A. G. Willard be allowed nine dollars and forty-three cents for 20½ yards of black crape.

SEC. 42. That H. Parrish be allowed the sum of sixty-six dollars and fifty cents, for carpeting for the State House, as certified by the door-keeper of the House of Representatives.

SEC. 43. That John F. Hill be allowed four dollars and five cents, for nine yards of black crape.

SEC. 44. That Seaton and Holman be allowed eleven dollars and forty-five cents, for upholstery and stationery, as certified by the door-keeper of the House of Representatives.

SEC. 45. That Samuel Merrill be allowed twelve dollars and four cents, for stationery for the use of the House of Representatives.

SEC. 46. That Thomas J. Cox be allowed three dollars and fifty-five cents for stove pans, wash basins and sprinkler.

SEC. 47. That Craighead and Browning be allowed seventeen dollars and forty-nine cents, for stationery, &c., for the use of the House of Representatives.

SEC. 48. That Julius Boetticher be allowed for furnishing to the members of the Senate and House of Representatives 474 copies per week of the "Indiana Volksblatt," at five cents per copy, with stamps, furnishing the same to the committee on Revision, 12 copies per week, also four copies per week to the assistants at four cents per copy without stamps, the sum of five hundred and fifty-two dollars and thirty-eight cents.

SEC. 49. That Messrs. Albert G. Porter and Lucian Barbour be allowed the sum of one hundred dollars, and that David Wallace be allowed the sum of one hundred dollars in full for legal services in behalf of the State, in the suit of Ellis and Spann against the State of Indiana.

SEC. 50. That John Harrington be allowed three dollars per day from the commencement of the session up to the adjournment, in full for all services rendered to the State.

SEC. 51. That Wainwright and Bro. be allowed the sum of thirty-five dollars and fifty cents, for a stove and fixtures and for repairing stoves in the State House.

SEC. 52. That Mansur and Ferguson be allowed three dollars and twelve cents, for stationery furnished to the constitutional convention.

SEC. 53. That Samuel Hetselgesser be allowed six dollars for a wheelbarrow, for the use of the State House.

SEC. 54. That Phineas M. Kent be allowed the sum of four hundred and sixty-four dollars and fifty cents, for printed covers to the pamphlet copies of the revised constitution, and for printing six thousand extra copies of the constitution.



SEC. 55. That S. and W. E. Merrill be allowed one dollar and fifty cents, for stationery for the use of the Senate.

SEC. 56. That Weaver and Williams be allowed six dollars, for a table and repairs in the Senate chamber.

SEC. 57. That John F. Hill be allowed twenty-one dollars and fifteen cents for stationery for the use of the Senate.

SEC. 58. That H. J. Horn be allowed sixteen dollars and eighty three cents, for oil carpet, &c., for the Senate chamber.

SEC. 59. That W. W. Roberts be allowed nineteen dollars and fifty-six cents, for stationery for the Senate chamber and the State House.

SEC. 60. That Craighead and Browning be allowed one dollar and seventy-five cents, for stationery for the Senate.

SEC. 61. That the principal clerk of the House of Representatives, for superintending the printing and reading proof of the House journal, and preparing an index for the same, be allowed the sum of one hundred and twenty-five dollars.

SEC. 62. That the door-keeper of the House of Representatives be allowed three dollars per day for services rendered during the recess of the present General Assembly.

SEC. 63. That Ross and Ray be allowed the sum of one hundred and three dollars and sixty-eight cents for stationery for the use of the General Assembly.

SEC. 64. That J. M. Talbott be allowed the sum of seventy-one dollars and five cents for stationery for the use of the General Assembly.

SEC. 65. That Weaver and Williams be allowed the sum of eleven dollars and fifty cents for table, chair, box and repairs for the use of the House of Representatives.

SEC. 66. That Browning and Mayer be allowed ten dollars and thirty cents, for candles and brooms for the use of the House of Representatives.

SEC. 67. That Charles B. Davis be allowed twenty dollars and forty-eight cents, for stationery for the use of the General Assembly.

SEC. 68. That Charles Mayer be allowed one dollar and eighty cents, for mops and brooms for the State House.

SEC. 69. That John D. Defrees be allowed twelve hundred and seventy-six dollars and forty-four cents for 42,548 copies of the Daily State Journal, at three cents each, furnished to the members of the House of Representatives, and eighteen dollars for advertising absent members in the same paper, and eight hundred and ninety-nine dollars and four cents for 29,958 copies of the same paper for the use of members of the Senate.

To John D. Defrees the sum of thirty-three dollars and seventy-five cents (\$33 75) for eleven hundred and twenty-five copies of the Daily State Journal furnished the Senate from June 16th to June 21st, 1852, inclusive.

Also, the sum of forty-seven dollars and forty cents, (\$47 40) for

fifteen hundred and eighty copies of the Daily State Journal, furnished the House of Representatives from June 16th to June 21st, 1852, inclusive.

Also, the sum of twenty-four dollars and thirty-six cents, for eight hundred and twelve copies from March 11th to April 21st, 1852, inclusive, for the committee on Revision.

That Harkness and Elder, Ellis and Spann and Julius Boetticher be allowed for their respective papers from the 16th to 21st inst.

SEC. 70. That Austin H. Brown be allowed nine hundred dollars for thirty thousand copies of the Daily State Sentinel, furnished to members of the Senate, and twelve hundred and seventy-six dollars and forty-four cents, for 42,548 copies of the same paper furnished to members of the House of Representatives, and eighteen dollars for advertising absent members.

To Austin H. Brown the sum of thirty-three dollars and seventy-five cents (\$33 75) for 1,125 copies of the Daily State Sentinel, furnished the Senate from June 16th to June 21st, 1852, inclusive.

Also, the sum of forty-seven dollars and forty cents for 1,580 copies of the Daily State Sentinel, furnished House of Representatives from June 16th to June 21st, 1852, inclusive.

Also, the sum of twenty-four dollars and thirty-six cents for 812 copies of the Daily State Sentinel, furnished committee on Revision, from March 11th to April 19th, 1852, inclusive; and that he be allowed for 540 papers of the 16th inst., furnished to the members of both Houses for distribution at five cents per copy, (\$27.)

SEC. 71. That Elder and Harkness be allowed three hundred and eighteen dollars and eighteen cents, for 3,564 copies of the Locomotive, furnished to the Senate; 6,952 copies furnished to the House of Representatives, and ninety copies for the committee on Revision, at three cents each.

SEC. 72. That Ellis and Spann be allowed six hundred and thirty-nine dollars and five cents, for 7,360 copies of the Indiana Statesman furnished to members of the House of Representatives; 5,336 copies furnished to members of the Senate, and eighty-five copies furnished to the committee on Revision, at five cents each.

SEC. 73. That the clerks employed by the select joint committee on Revision be allowed four dollars per day for their services, their time of service to be certified by that committee.

SEC. 74. That Harry Perry be allowed seventy dollars for attending to the State House yard, &c.

SEC. 75. That James P. Drake be allowed one hundred and fifty dollars per year, for three years service as superintendent of common schools.

SEC. 76. That William B. Taylor be allowed fifteen dollars, for services in cleaning and fitting up the Senate chamber at the commencement of the session of the present General Assembly.

SEC. 77. That James D. Williams be allowed twenty-seven



dollars and twelve cents, for mileage as a member of the House of Representatives at the session of 1847-8.

SEC. 78. That the Adjutant General be allowed twenty-five dollars for office rent, fuel, &c.

SEC. 79. That the widow of the Hon. Bradford Glazebrook deceased be allowed fifty-four dollars, the per diem for eighteen days from the time of his decease until his successor was qualified.

SEC. 80. That Little and Wiggins be allowed thirty-three dollars and ninety-five cents, William Smith eight dollars, Livingston Dunlap ten dollars, J. S. Bobbs thirty dollars, Weaver and Williams forty-five dollars, James F. Suit thirty dollars, to E. Withers, the sum of two dollars and seventy-five cents, for expenses of the last illness and funeral of the Hon. Isaac H. Morris, deceased.

SEC. 81. That the Secretary of State be allowed pay for eight clerks for fifteen days, at the rate of three dollars per day for each clerk, as extra allowance for enrolling the acts of the General Assembly.

SEC. 82. That the widow of the Hon. Henry Hostetter, deceased, be allowed thirty dollars, the per diem of said Hostetter from the time of his death until his successor took his seat.

SEC. 83. That E. W. Neff be allowed four dollars, for engraving the seal of the clerk of the House of Representatives, and repairing clock in the Senate chamber.

SEC. 84. That A. and J. C. S. Harrison be allowed three dollars and thirty cents, for black crape for the use of the Senate.

SEC. 85. That the Indianapolis Gas Light and Coke Company be allowed fifty-nine dollars and fifty cents, the amount of their bills against the State for gas light up to June 10, 1852.

SEC. 86. That William Ray, of Clark county, be allowed twenty-five dollars, for arresting fugitives from justice.

SEC. 87. That Amos Ross of Dearborn county be allowed twenty-five dollars for conveying prisoners to the State Prison.

SEC. 88. That Joseph Gray former treasurer of Sullivan county be allowed the sum of three hundred and sixty-two dollars and seventy-five cents, the amount by him overpaid into the State Treasury for the year 1849.

SEC. 89. That John Fitzpatrick, Benjamin Michael, James H. Jones, Moses Kiser and Israel Wayland be allowed nineteen dollars each, for thirteen days time spent in going to, returning from, and attending upon the Wabash circuit court from another county, as witnesses in behalf of the State on an indictment against ——— Cook and ——— Bushnell, for horse stealing.

SEC. 90. That Little, Drum and Andersons be allowed the sum of thirty-four dollars and twenty cents for stationery for the use of the General Assembly.

SEC. 91. That E. W. H. Ellis be allowed two hundred dollars on account of expenses of trip to New York, and for services in selling the stocks held by the State in the Madison and Indianapolis railroad.

## CHAPTER VI.

*AN ACT giving to Assessors longer time to file their official bonds, and take the oath of office.*

(APPROVED JANUARY 12, 1852.)

### SECTION—

1. Time for giving bond and taking oath extended.
2. County auditors authorized to approve bonds and administer oaths.

### SECTION—

3. When county assessors shall be qualified.
4. Emergency declared.

WHEREAS, It has been represented to this General Assembly, that some of the county assessors who were elected to the office of county assessor at the August election of 1851, have casually omitted to give their official bonds, and take their oaths of office as required by law, on or before the first Monday of December next after their election; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time for giving such bond in all such cases, and taking the oath of office, be and the same is hereby extended to the fifteenth day of January, A. D. 1852.

SEC. 2. The auditors of the several counties in this State are hereby authorized to take and approve said official bonds, and to administer the oath of office required by law in such cases.

SEC. 3. If the said county assessors shall give bond, and take the oath as required in the preceding section on or before the fifteenth day of January 1852, they shall be considered as amply qualified, and as fully the assessor of their respective counties as they would have been had they given bond, and taken the oath of office on or before the first Monday in December, 1851.

SEC. 4. The necessity of this act going into immediate effect is sufficient to make it a case of emergency, therefore this act shall take effect, and be in force from and after its passage.



## CHAPTER VII.

*AN ACT to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State.*

(APPROVED JUNE 21, 1852.)

## SECTION

1. Taxes—how assessed.
2. Poll tax.
3. What property subject to taxation.
4. The terms "real property, &c." how construed.
5. The terms "personal estate, &c." how construed.
6. What property shall be exempt.
7. Certain property not exempt.
8. Lands sold by State.
9. Lands reserved by treaty.
10. Property how listed.
11. Property in other counties.
12. Poll tax.
13. Personal estate.
14. Real estate.
15. Lands not occupied by owner.
16. Lands unoccupied.
17. Lands lying in grants or reserves.
18. Mortgaged personal estate.
19. Mortgaged real estate.
20. Undivided real estate of decedents.
21. Partners.
22. Assessor—when to leave notice, receive statements, and grant further time.
23. Statements how made out. 1st statement to be sworn to; 2d to be signed by person making it. Proviso.
24. Duty of assessor upon failure to make statements, or take oath, may procure evidence.
25. Person refusing to give evidence to be summoned to answer; costs &c. adjudged against person failing to make statements, or take oath.
26. Who deemed a merchant and how he shall make out statement. Proviso.
27. Who deemed a manufacturer, and how he shall make out statement.
28. Engines, &c. to be listed as personal property.
29. Merchant commencing business after 1st January to pay for fraction of a year.
30. Auditor may appoint a person to notify merchants.
31. Penalty for failure to report to auditor.
32. Duty of accounting officers of corporations.
33. Duty of auditor—proper officers of company to pay taxes.
34. Duty of treasurer.
35. Treasurer's commission. Toll bridge.
36. Mills, &c. on lands leased by trustees of the Wabash and Erie canal.
37. Duty of auditor if company fail to furnish statement.
38. Taxes on corporations to be paid or collected as in other cases.
39. Taxes to be paid out of funds of company

## SECTION

40. If treasurer cannot collect, company to be returned delinquent.
41. Penalties and interest.
42. The Auditor of State may file bill against company; court shall order sequestration, may enjoin company, &c.
43. Action may be brought in circuit or common pleas court.
44. Appraisement list of 1851 to stand.
45. If appraisement has not been made, it shall be made under that act, maps to be procured, &c.
46. Auditor of State to procure lists of lands, and transmit to county auditors.
47. Auditor to transfer lands on assessment list.
48. Auditor may examine records of deeds and wills.
49. Duty of appraiser. Proviso.
50. Appraisers to call for lists of lands. How lists are to be made out.
51. If the owner be absent, or fail, appraiser to make out list. May procure evidence.
52. Rules to govern appraiser. Proviso.
53. How appraisers shall complete list.
54. Appraiser inform owner of amount of appraisement, &c.
55. Appraiser may examine buildings.
56. Appraiser's return—when and how made.
57. Appraiser's oath. Abstract kept by auditor. Auditor to give notice of meeting of board of equalization.
58. Who shall constitute a special board of equalization. Their powers.
59. Compensation of appraiser and special board.
60. Appraiser's account—how kept and verified.
61. Appraiser's penalty for neglect of duty.
62. Refusal to furnish list to be noted.
63. Appraiser to deliver the original statements to auditor.
64. Assessor—when elected. Tenure of office.
65. Sheriff to give notice. Duty of inspector and judges of elections and auditor.
66. Assessor's bond and oath of office.
67. On failure to qualify, auditor may appoint.
68. Appointee to give bond and take oath.
69. Penalty for neglect of duty.
70. Assessor's return—when and how made.
71. Shall also deliver original lists.
72. Shall list and appraise lands becoming taxable.
73. Duty of assessor, county and State Auditor relative to statistics.
74. Assessor's oath.
75. Duplicate.

76. Duty of auditor.
77. May deduct on account of destruction.
78. Shall estimate the amount of tax, &c.
79. Aggregate.
80. Auditor to furnish treasurer copy of duplicate.
81. Shall certify abstract to Auditor of State.
82. Shall correct duplicate.
83. Penalty for refusal to list or swear.
84. Person sick or absent may give in list any time before assessment.
85. Real estate omitted, &c.
86. Incorrect statement and returns to be corrected.
87. Delinquent list.
88. Counties without auditor.
89. Personal property omitted.
90. Blank lists, &c.
91. Board of equalization.
92. Release when tax has been paid.
93. Duplicate.
94. Collection.
95. Notice.
96. Damages for failure to pay.
97. Notice of sale.
98. Sale.
99. Fees, &c.
100. Removal without payment.
101. Power to collect.
102. Delinquency after settlement with Auditor of State.
103. Schedule of delinquent taxes.
104. Treasurer's allowance, &c.
105. Treasurer paying taxes may collect personally.
106. Delinquent removed.
107. Account to be transmitted.
108. How collected.
109. Collection.
110. Fees.
111. Partial payment.
112. State's lien for taxes.
113. All property liable for taxes.
114. Partial payment discharges property paid on if other property is found.
115. Penalty for delinquency.
116. Treasurer to note payment and give receipt.
117. Shall guarantee to purchaser that tax has not been paid.
118. Action against treasurer for failure to credit payment.
119. Action for sale in case of double assessment.
120. County board to credit treasurer for over payment.
121. Shall direct auditor to certify erroneous payment, to Auditor of State.
122. Explanation.
123. Annual settlement.
124. Settlement with State Treasurer.
125. County revenue.
126. Treasurer failing to settle, he and his sureties liable.
127. On failure to pay, he and sureties liable.
128. Suit.
129. Continuance.
130. Account against treasurer evidence of demand.
131. Payment, &c., not be allowed before trial.
132. Auditor shall be witness.
133. Sheriff to pay into county and State treasury.
134. Sheriff failing to pay, he and sureties liable.
135. Deputy treasurer.
136. Delinquent taxes may be paid before sale.
137. Receipt.
138. Receipt for payment into State Treasury.
139. Sale after payment when valid.
140. State Auditor to credit treasurer with portion due county.
141. Portion due State.
142. Delinquent list.
143. Publication and notice of sale.
144. Certificate of publication.
145. Sale.
146. Purchaser.
147. Each tract to be sold for the payment of the whole.
148. Part sold how laid out.
149. Purchaser failing to pay, land to be re-offered, &c.
150. Auditor to be clerk of sale.
151. Certificate of purchase.
152. Certificate assignable.
153. Land how redeemable.
154. Infants, &c. may redeem.
155. Persons redeeming to pay for improvements.
156. No compensation for improvements.
157. Claimant of part of land may redeem.
158. Claimants of undivided share, &c. may redeem.
159. Claimants of specific part may redeem.
160. Undivided part of specific part redeemable.
161. Claimant of specific part out of which specific part belong to another is sold, may exonerate himself.
162. Quantity sold reduced in proportion to amount paid.
163. Lands sold for taxes assessed conjointly, &c.
164. If land is not redeemed owner may recover.
165. Priority of judgment.
166. Land not redeemed auditor shall execute deed.
167. Two or more tracts to be included in one deed.
168. Execution and force of deed. Deed.
169. Auditor to vary form.
170. Auditor not compelled to include more than five tracts in one deed.
171. Upon discovery of invalidity of sale before conveyance money to be refunded, &c.
172. Sale or conveyance invalid.
173. If conveyance be invalid, State's lien vests in grantee.
174. Sale not invalid.
175. Auditor may deed lands sold under former law.
176. Auditor to cancel and file certificates. Loss of certificate.
177. Register.
178. Auditor to note date, &c. of redemption.
179. Lands not sold forfeited to State.
180. To be annually offered for sale.
181. Records, &c. to be received as evidence.
182. Individual bank stock.
183. Directors to furnish Auditor of State with amount.
184. Penalty for failure.
185. Auditor of State to assess tax.
186. Shall notify branches.
187. Payment.
188. Penalty for failure.
189. Taxes to be paid out of funds, &c.
190. Penalty for delinquency.
191. Manner of recovery.
192. Auditor of State to cause suit to be brought.
193. Treasurer may collect certain taxes for his own use.
194. Auditor of State to furnish forms, &c.
195. Printing and distribution of this act.
196. Sales of lands for road tax.
197. Certificate, &c. may be recorded.
198. County to pay to State loss by default of officers.
199. Occupant, &c. paying tax may recover.
200. Property sold for taxes.
201. Auditor's fee.
202. Expense of advertising.



**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana,* That all taxes for the support of the government of the State shall be assessed on polls, and on property, listed and valued in an equal and ratable proportion, (except as to the tax on stock in the State Bank, and such other stocks as may be specifically taxed,) in the following manner, namely: the amount necessary and proper to be charged on each poll and on each hundred dollars worth of property for State expenditures, and for school purposes, shall, from time to time, be fixed by law: and the amount to be charged on each one hundred dollars' worth of property, for county expenditures, shall be determined by the board of county commissioners at their annual meetings in June.

**SEC. 2.** A poll tax shall be assessed upon every white male inhabitant of this State between the ages of twenty-one and fifty years.

**SEC. 3.** All real property within this State, and all personal property owned by persons residing within this State, whether it is in or out of this State, and all personal property within this State, owned by persons not residing within this State, subject to the exceptions hereinafter stated, shall be subject to taxation.

#### *Definitions.*

**SEC. 4.** The terms "real property," and "land," wherever used in this act, shall be held to mean and include not only the land itself, whether laid out in town lots or otherwise, with all things contained therein, but also all buildings, structures and implements, trees, and other fixtures of whatever kind thereon, and all rights and privileges belonging, or in any wise appertaining thereto, including all stoves in any building belonging to the owner of such building, and used instead of fire-places.

**SEC. 5.** The terms "personal estate" and "personal property," as used in this act, shall be construed to include all household furniture, goods, chattels and moneys on hand or on deposit, either within or without this State; all ships, steamboats, canal boats and flat boats, whether within or without this State; all moneys at interest whether within or without this State; all public stocks, Indiana State stocks, stocks of other States and of the United States; stocks in railroads, plank roads, turnpike roads, canals, toll bridges, insurance companies, trust companies, saving institutions, manufacturing companies, and in all moneyed and stock corporations, whether within or without this State.

**SEC. 6.** The following property shall be exempt from taxation:

*First.* The real and personal property of the United States and of this State;

*Second.* Every school house, court house, market house, poor house, and jail, and the land whereon such buildings are situate, and all county lands and buildings set apart for county purposes;

*Third.* All fire engines, hose, hooks, ladders, and other apparatus for the extinguishment of fires, and all fire engine houses, with the land on which they may be situated, and all wharves, and all powder magazines, with the land on which they may be situated, belonging to or owned by any incorporated town or city in this State, and held by such town or city for the use, benefit, safety or convenience of the public;

*Fourth.* Every building erected for religious worship, and the pews and furniture within the same, and the lands whereon such building is situate, not exceeding ten acres; also, every cemetery.

*Fifth.* Every building erected for the use of any literary, benevolent, charitable or scientific institution, or erected for the same purpose by any town, township or county, and the tract of land on which such building is situate, not exceeding twenty acres; also, the personal property belonging to any institution, town, township, city or county, and connected with or set apart for any of the purposes aforesaid;

*Sixth.* All lands granted for the use of common schools, so long as the same shall remain unsold;

*Seventh.* The personal property and real estate of every manual labor school or college incorporated within this State, when used or occupied for the purposes for which it was incorporated, such real estate not to exceed three hundred and twenty acres.

**SEC. 7.** If any part, parcel or portion of any tract or lot of land, or of any buildings or personal property, enumerated in the preceding section as exempt from taxation, shall be used or occupied for any other purpose or purposes than those recited in said section, by reason whereof they are exempted from taxation, such part, parcel or portion shall be subject to taxation so long as the same shall not be set apart or used, exclusively, for some one of the purposes specified in the said enumeration.

**SEC. 8.** Lands sold by the State, including lands forfeited to the sinking fund, university fund, and all other trust funds, though not granted or conveyed, shall be assessed in the same manner as if actually conveyed.

**SEC. 9.** All lands reserved to or for any individual, by any treaty between the United States and any Indian tribe or nation, shall be liable to taxation from the time such treaty shall have been confirmed.

*By whom, where, and in what manner property shall be listed.*

**SEC. 10.** Every person of full age and sound mind, not a married woman, shall list the real and personal property, subject to taxation, of which he is the owner, situate or being in the county in which he resides, and all moneys in his possession; and he shall also list moneys deposited subject to his order, check or draft, and credits due from or owing by any person or persons, body corporate or politic, whether in or out of such county. The property of every ward shall



be listed by his guardian; of every minor child having no other guardian, by his father, if living; if not, by his mother, if living; and if neither father nor mother be living, by the person having such property in charge; of every wife, by her husband, if of sound mind; if not, by herself; of every person for whose benefit property is held in trust, by the trustee; of every estate of a deceased person, by the executor or administrator; and if such decedent died after the first day of January, without giving in the amount of his taxables, his administrator or executor shall give in the same as though such property had been in his possession on the first day of January; of corporations whose assets are in the hands of receivers, by such receivers; of every company, firm, body politic or corporate, by the principal accounting officer, partner, or agent thereof. Every person required to list property on behalf of others, by the provisions of this section, shall list it in the same township in which he would be required to list it if such property were his own; but he shall list it separately from his own, specifying, in each case, the name of the person, estate, company or corporation to whom it belongs; and all real property, and merchants' and manufacturers' stock, shall be returned for taxation, and taxed in the township and town in which it is situated; and all other personal property, except such as is taxable for State purposes only, shall be entered for taxation in the township and town in which the person charged with the tax thereon resided at the time a list thereof was taken by the assessor, if such person reside in the county where such property was listed; and if not, then such property shall be entered for taxation and taxed in the township where situated when listed, anything in this act to the contrary notwithstanding.

SEC. 11. Property of whatever kind, situate or being in any county other than that in which the owner or owners thereof, or other person required by the foregoing section to list the same, resides, except the property of such companies as are required to give a statement thereof in the township where the principal office of such company is kept, and merchants' and manufacturers' stock which is required to be listed where the same is situated, shall be listed in the township where the same is situate, by the agent of the owner, or other person having possession or charge thereof, unless the owner shall list or cause the same to be otherwise listed in the township where such property may be.

SEC. 12. Every person shall be listed for his poll tax in the township where he resides when the enlistment is made.

SEC. 13. Every person shall be listed in the township where he resides when the enlistment is made, for all personal estate owned by him on the first day of January of the year in which the enlistment is made, including all personal estate in his possession or under his control as trustee, guardian, executor or administrator.

SEC. 14. Every person shall be listed in the township where he resides when the enlistment is made, for all lands by him owned

within such township, on the first day of January in which the enlistment is made, and occupied by him or wholly unoccupied, including all such real estate owned or held by him as trustee.

SEC. 15. Lands occupied by any person not the owner thereof, shall be listed in the name of the owner, if known, otherwise in the name of the occupant; and for the taxes, if paid by such occupant, he shall have his action against the owner.

SEC. 16. Unoccupied lands shall be listed in the name of the owner, if known, otherwise as "land of persons unknown."

SEC. 17. When the line between two townships divides a tract of land lying in the grants to English or French emigrants, or in Clark's grant, or in individual Indian reserves, (surveyed differently from the United States' survey,) if listed to the owner thereof, he being a resident of either township in which a part of such tract of land may lie, or if listed to the occupant, under the thirteenth section of this act, the same shall be listed in the township in which such owner or occupant shall reside; and in all other cases the same shall be listed in the township in which the greater part thereof lies.

SEC. 18. When personal property is mortgaged or pledged, it shall, for the purposes of taxation, be deemed the property of the party who has the same in possession.

SEC. 19. In cases of mortgaged real estate, the mortgagor shall, for the purposes of taxation, be deemed the owner until the mortgagee shall have taken possession of the mortgaged premises, after which the mortgagee shall be deemed the owner.

SEC. 20. The undivided real estate of any deceased person may be listed to the heirs or devisees of such person, without designating any of the heirs or devisees by name, until they shall have given notice to the auditor of the county or counties in which such real estate is situate, of the division of the same, and the names of the several heirs or devisees, and the proportions allotted to each; and each heir or devisee shall be liable for the whole of such tax, and shall have a right to recover of the other heirs or devisees their respective proportions thereof, when paid by him.

SEC. 21. Partners in mercantile or other business, may be jointly listed in their partnership name, in the township where their business is carried on, for all their personal property employed in such business; and in case of being so jointly listed, each partner shall be liable for the whole tax.

SEC. 22. Each assessor shall, between the first day of January and the first day of May in each year, leave with every person required to list property for taxation, the notice and blank list required by this act; and the assessor shall, at the time of leaving the notice and blank list, receive from such person the statements required by the succeeding section, of his, her or their personal property, moneys, rights, credits, effects and corporation stocks, held in trust or owned by such person on the first day of January of the current year, unless such person shall require further time to make out such statements;



in which case he shall give such person such further time as he may deem necessary: *Provided, however*, such further time shall not extend beyond the first day of May.

SEC. 23. Each person required by this act to list property for taxation, shall make out two separate and distinct statements:

The first statement shall be made out by the person assessed or designated in this act, or by the assessor, from information given by such person, and shall be signed by the person making it; and the assessor shall require of such person to take and subscribe, on such statement, an oath or affirmation, that to the best of his, her or their knowledge, information and belief, the said statement contains a true, full and fair list of the moneys, rights, credits, effects, ships, canal boats, flat boats, steamboats, personal property appertaining to merchandizing and manufacturing, and corporation stocks of the person making such list, or of the person or persons on whose behalf the same is made, and that the same have been valued at their true cash value, as such person verily believes; which oath or affirmation may be administered by the assessor or his deputy, who are hereby authorized to administer all oaths or affirmations that may be required in the performance of any of the duties of their office, by the county auditor, or any person authorized to administer oaths; and such statement shall distinctly set forth:

*First.* Money on hand or on deposit, either within or without this State;

*Second.* Money at interest, either within or without this State;

*Third.* The value of all demands against any person or body corporate, either within or without this State;

*Fourth.* The value of all ships, canal boats, flat boats and steamboats, whether within or without this State;

*Fifth.* The value of all personal property appertaining to merchandizing;

*Sixth.* The value of all personal property appertaining to manufacturing;

*Seventh.* The amount and value of all bonds issued by bodies corporate or politic, all corporation stocks, Indiana State stocks, and stocks of other States, and of the United States, whether within or without this State, excepting stocks in the Indiana State Bank, and such other stocks as may be specifically taxed.

The second statement shall be made out by the person assessed or designated in this act, or by the assessor, from information given by such person, and shall be signed by the person making it, and returned to the assessor within the time provided for the first statement, above mentioned; and the said statement shall truly, honestly and distinctly set forth:

*First.* The number of horses, mules and asses, and their value;

*Second.* The number of cattle and their value;

*Third.* The number of sheep and their value;

*Fourth.* The number and value of swine;

*Fifth.* The number of carriages, wagons, coaches, hacks, carts, drays, and other vehicles, and their value;

*Sixth.* The number of watches and clocks, and their value;

*Seventh.* The number of piano fortes and other musical instruments, and their value;

*Eighth.* The value of farming utensils, mechanic tools, law and medical books, surgical instruments and medicines;

*Ninth.* The value of all household furniture, beds, bedding, &c.;

*Tenth.* The value of corn, hay, oats, rye, potatoes, fruits, wheat, wool, pork and bacon.

*Eleventh.* The value of all and every species of personal property not specified above, nor included in statement number one;

*Twelfth.* The age of the person, if a male whether over twenty-one and under fifty years of age: *Provided*, That each tax payer may and is hereby authorized to deduct the amount of his indebtedness out of his solvent claims.

SEC. 24. In every case where any person shall refuse or neglect to make out and deliver to the proper assessor, the statements prescribed in the twenty-third section of this act, or shall refuse to take and subscribe the oath or affirmation required in said section, the assessor shall, in every such case proceed to ascertain the number of the several articles of each description enumerated in the said twenty-third section, the value thereof, the value of the personal property subject to taxation, other than such enumerated articles; and, to enable him to do so, he is hereby authorized to examine on oath any person whom he may suppose to have knowledge of the amount or value of the enumerated articles and personal property, which the person so refusing or neglecting was required to list.

SEC. 25. If any person who shall be required by the assessor to give evidence, as provided in the preceding section, shall refuse to be sworn by the assessor, or if, having been sworn, he shall refuse to answer such questions as the assessor shall put to him, touching the subject of inquiry, any justice of the peace of the county, to whom the assessor shall make application therefor, shall summon such person to appear before him, at such time as the assessor shall designate, and answer, on oath, all pertinent questions which shall be put to him by the assessor, or his order, touching the amount and value of the personal property, moneys and assessables, (other than real estate,) which the person required to list the same, has neglected or refused to list; and every constable and witness, for refusal or neglect to obey the process of such justice herein provided for and contemplated, shall be subjected to the same penalties as they may by law be subject to for refusing to obey the process of justices of the peace in civil cases, and shall receive the same fees as for like services in civil cases; and such justice of the peace shall immediately proceed to enter judgment for all such fees and for his own costs, in favor of the State of Indiana, against the person who shall have refused to make and deliver to the assessor a statement of the property which,



by this act, he was required to list, or who shall have refused to take the prescribed oath as to the amount or value thereof, and proceed to collect and pay over the same, as in civil cases.

*Of listing and valuing the property of Merchants and Manufacturers.*

SEC. 26. Every person that shall own or have in his possession or subject to his control, any personal property within this State, with authority to sell the same, which shall have been purchased either in or out of this State, with a view of being sold at an advanced price or profit, or which shall have been consigned to him from any place out of this State for the purpose of being sold at any place within this State, shall be held to be a merchant; and at all times when he shall be, in pursuance of this act, required to make out and deliver to the assessor a statement of his other personal property, he shall state and attest, on oath or affirmation, the value of such property appertaining to his business as a merchant; and in estimating the value thereof, he shall take as a criterion the average value of all such articles of personal property which he shall have had from time to time in his possession or under his control, during the year next previous to the time of making such statement, if so long he shall have been engaged in business, and if not, then during such time as he shall have been so engaged, and the average shall be made up by taking the amount in value on hand, as nearly as may be, in each month of the next preceding year in which the person making such statement shall have been engaged in business, adding together such amounts and dividing the aggregate amount thereof by the number of months that the person making the statement may have been in business during the preceding year: *Provided*, That no consignee shall be required to list for taxation the value of any property the product of this State, which shall have been consigned to him for sale or otherwise from any place within the State, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded; *Provided*, he shall in either case have no interest in such property, nor in any profit to be derived from its sale; and the word "person," as used in this and the two succeeding sections, shall be held to mean and include "firm," "company," and "corporation."

SEC. 27. Every person who shall purchase, receive, or hold personal property of any description for the purpose of adding to the value thereof, by any process of manufacturing, refining, rectifying, or by the combination of different materials, with a view of making a gain or profit by so doing, shall be held to be a manufacturer, and he shall, at all times, when by virtue of this act he is required to make and deliver to the assessor a statement of the amount or value of his other personal property subject to taxation, also state the average value, estimated as provided in the preceding section, of all articles purchased, received, or otherwise held for the purpose of

being used, in whole or in part, in any process or operation of manufacturing, combining rectifying, or refining, which from time to time he shall have had on hand during the year next previous to the time of making such statement, if so long he shall have been engaged in such manufacturing business, and if not, then during the time he shall have been so engaged; and such statement he shall attest on oath; but in determining the value of all articles manufactured by him and remaining on hand unsold, the cost of the materials entering into their combination, or of which they were made, with the cost of the materials used or consumed in the process of manufacturing, combining, rectifying, or refining, shall be taken as the criterion of their value, for the purpose of taxation.

SEC. 28. Every person owning a manufacturing establishment of any kind, and every manufacturer, shall list as a part of his personal property, the value of all engines and machinery of every description used or designed to be used in any process of refining or manufacturing, (except such fixtures as shall have been considered as part of any tract or lot, or real property,) including all the tools and implements of every kind, used or designed to be used for the purposes aforesaid.

SEC. 29. When any person shall commence merchandizing in any county, after the first day of January, the average value of whose personal property employed in merchandizing shall not be entered on the assessor's list for taxation in said county, such person shall report under oath to the auditor of the county, the probable average value of the personal property by him intended to be employed in merchandizing until the first day of January next thereafter, and shall pay into the treasury a sum that shall bear the same proportion to the levy for all purposes, on the average value so employed, as the time from the day on which he shall commence merchandizing as aforesaid, to the first day of January next succeeding, shall be to one year.

SEC. 30. The auditor of each county in this State shall, if he deem it necessary, have the power to appoint a competent person in his county to notify all such persons who shall commence merchandizing after the first day of January, and the average value of whose personal property employed in merchandizing shall not be entered on the assessor's list for taxation, to report themselves to the county auditor, and make payment to the county treasurer for the purposes contemplated by the preceding section; and such person so appointed, shall receive such compensation as the auditor shall direct, subject to the approval of the board of county commissioners.

SEC. 31. If any person shall commence merchandising as aforesaid, and shall not, within one month thereafter report to the county auditor, and make payment to the county treasurer, as required in section 29, he shall forfeit and pay two per cent. on the value of personal property by him employed in merchandizing, to be ascertained, as near as may be, by the testimony of witnesses, and recovered by



an action of debt in the name of the county treasurer, for the use of the county, before any justice of the peace, or court having jurisdiction thereof.

*Of listing Corporation or Public Stocks.*

SEC. 32. It shall be the duty of the president, secretary, agent, or other proper accounting officer of every railroad, plank road, turnpike road, slackwater navigation, telegraph, and bridge company in this State to furnish to the auditor of the county where their principal office is situated, a list of all the stock in said company, and its value, attested by the oath of the officer making the same and shall furnish a statement dividing the aggregate amount of all the stock of such company amongst the several counties in proportion to the value of the superstructure, buildings and real estate of such company in each county, and if any such company shall not have in this State its principal office for the transaction of its financial business, it shall be the duty of the president, cashier, secretary, treasurer, engineer, or constructing agent of such company, to furnish to the auditor of the county where the work first enters the State, a statement under the oath or affirmation of the officer making it, specifying the amount and value of all real estate owned by such company within this State, the amount expended in the construction of said work within the lines of this State, and the amount invested in machinery and rolling stock of every kind; which said machinery and rolling stock shall be assessed for taxation in the same proportion to its total amount that the length of the line of the work in this State, completed, bears to the entire length of the line of said work completed.

SEC. 33. It shall be the duty of such auditor to enter the name of such company or corporation upon the tax duplicate, with the amount and value of said stock, and assess thereon for state, county, school and road taxes, according to the amount of taxes fixed for those purposes for that year, in the several counties through which such road, slackwater navigation, or telegraph line, may run or pass, and the said president or other proper officer of any such company, shall pay to the treasurer of the proper county the taxes so assessed as aforesaid, on said stock, together with all damages, interest and cost that may be due thereon.

SEC. 34. The treasurer of such county shall divide the tax so collected, (except the state tax, which shall be paid into the state treasury as in other cases,) among said counties in proportion to the value in each county as ascertained under the provisions of the 32d section of this act, and the rate fixed in the several counties as provided in the 33d section.

SEC. 35. The treasurer's commission on the amount collected from such companies shall be, on the State portion of the tax, one half the rate allowed in other cases, which shall go to the treasurer collecting the same, and on the residue of the tax the collecting commis-

sion shall be the same as in other cases, and shall be equally divided between the treasurer of the county where the tax is assessed, and the treasurer of the county entitled to the same. If any toll bridge is situated in two or more counties, the said treasurer shall divide the tax so collected from any such bridge company equally between the counties in which the bridge may be situated, first deducting his commission as aforesaid; and the said treasurer, upon paying over any tax to any other county, shall take the receipt of the county treasurer to whom he may pay the same, and such receipt shall be a sufficient voucher to said treasurer in his settlement with the county auditor.

SEC. 36. All mills, manufactories, warehouses, and other structures, with the appurtenances and fixtures erected or placed upon any lands leased by the board of trustees of the Wabash and Erie Canal, shall be assessed to the lessees of such lands or their assigns in possession of and occupying the same.

SEC. 37. If any such companies shall fail or refuse to furnish the statement required by this act, by the first day of June in any year, the proper county auditor shall proceed to make out such list from the best information he can obtain; and in doing so, he shall be governed by the provisions of the twenty-fourth and twenty-fifth sections of this act.

SEC. 38. The county treasurer shall obtain payment of all taxes assessed on incorporated companies from the president or other proper officer of such companies, in the same manner as in other cases, and if not paid, shall proceed in the collection and payment thereof, and penalties thereon, in the same manner as in other cases, and shall be liable to the same penalties for the non-payment of moneys collected by him.

SEC. 39. Such taxes shall be paid out of the funds of the company, and shall be rateably deducted from the dividends of those stockholders whose stock was taxed, or shall be charged upon such stock, if no dividends be afterwards declared.

SEC. 40. If the county treasurer shall not be able to collect any tax assessed upon an incorporated company, he shall return the same to the county auditor, and be allowed therefor as in other cases; and the county auditor shall certify the same with the delinquent taxes on [to] the Auditor of State.

SEC. 41. The same penalties and interest shall be charged on the delinquent taxes due from incorporated companies as in other cases.

SEC. 42. If any such company shall not have real estate out of which to make such delinquent taxes, the Auditor of State may, if he deem it expedient, cause to be filed in the proper court, a bill against such company, for the discovery and sequestration of its property; which court shall order such part of the property of such company to be sequestered as they shall deem necessary for the purpose of satisfying the taxes, penalties, and interest in arrear, with the costs of prosecution; and they may also, at their discretion enjoin such



company and the officers thereof, from any further proceedings under their act of incorporation, and may order and direct such other proceedings as they shall deem necessary to compel the payment of such tax, penalties, interest, and costs.

SEC. 43. Or such tax, penalties, and interest, may be recovered, with costs, from such delinquent company, by action in the name of the State, on the relation of the Auditor of State in the circuit or common pleas court of the proper county.

*Of the appraisement of real property.*

SEC. 44. The appraisement list of the taxable real property of this State, made under the authority of an act entitled "an act to appraise the real estate of this State, and to make the value of the same equal and uniform throughout the State," approved February 13, 1851, shall stand and be considered as the grand levy of the State, subject to such alterations as [are] herein provided for.

SEC. 45. Should no appraisement list have been made in any county, under the act recited in the preceding section, the same shall be made in the manner prescribed in said act; and should the maps required by the fourth section of the act, entitled "an act to value the property of this State," approved February 12, 1841, not have been procured and delivered to the assessors, the same shall be forthwith procured and delivered by the county auditors, and copies of such maps heretofore delivered or hereafter to be delivered, shall be retained in the office of the county auditor; and thereon, as occasion may require, shall be noted all changes that shall have taken place in the situation and ownership of land, so that, as far as possible, the same may exhibit the true boundaries and owners' names of each and every tract and lot of land in each county.

SEC. 46. A list of lands becoming taxable for the first time shall, under the supervision of the Governor, be procured by the Auditor of State from the proper land offices, at the best price for the State. He shall also, on or before the first day of January, annually, forward the same to the proper county auditors, for which service he shall be allowed no greater amount per township than is necessarily paid for the original.

SEC. 47. Whenever partition shall have been made or other changes taken place in the ownership of any tract or lot of land, or any part thereof, by sale and conveyance, or by devise or descent, the county auditor, on receiving satisfactory information thereof, shall transfer the same on the last appraisement list, and apportion the same, and the valuation thereof, to the several owners; such apportionment of value to be made by agreement of the parties, either in writing filed with, or personally in presence of the auditor, he being satisfied of the justice thereof; otherwise, to be ascertained by the assessor.

SEC. 48. The county auditor shall have the right to examine the

record of deeds and wills in his county, without charge, to enable him to discharge the duty required of him in the preceding section.

SEC. 49. The appraiser shall, upon actual view, make a true valuation of all lands, together with the improvements and buildings thereon, or affixed thereto, at their full value in money, as he would appraise the same in payment of a just debt due from a solvent debtor, taking into consideration the fertility and quality of the soil, the vicinity of the same to railroads, McAdamized roads, clay roads, turnpike roads, plank roads, State or county roads, cities, towns, villages, navigable rivers, water privileges on the same, or in the vicinity of the same, the location of the route of any canal or canals, with any other local advantages of situation: *Provided*, That said appraisers shall also value all lands at their cash value, without taking into consideration any improvements that may be made thereon, and this valuation, as well as the valuation with improvements, shall be set down in a proper column to be left for that purpose.

In-lots and out-lots in all towns, cities and villages, with the improvements made thereon or affixed thereto, shall be valued at their true and full value in money, taking into consideration all the local advantages of situation, to be valued upon actual view of the premises.

SEC. 50. The appraiser shall call upon each and every person resident in his county, for a list of all lands and town in-lots and out-lots owned by such person or persons lying within his county, which may be subject to taxation, which list shall particularly set forth the names of the owner or owners, the number of acres of land in each particular tract, lot, section or subdivision thereof, the range, township, section, quarter section, tract, lot, or part thereof, or the number of the entry, location or survey, and water course, as the nature [of the] general or particular survey may require, and if the same cannot be described by the congressional survey, then it shall be described by metes and bounds, so as to designate and identify the same; and in the French and English grants, or Clark's grant, shall set forth the quantity of land contained in the original survey, of which the tract listed is a part, subject to the provisions of this act, the number of the entry, water course, and the name of the original proprietor; also, all in-lots and out-lots owned or held as aforesaid, with the number thereof, as described on the recorded plat of said town, or part thereof, if it has been subdivided; which statement shall be made out by the person assessed, or by the assessor, from information given by such person, and shall be signed by the person making it.

SEC. 51. If the owner or owners of any property required to be listed and appraised by the preceding section of this act, shall be absent or unable to give in a list thereof when called upon by the appraiser, or if the owner or owners thereof shall not reside within the county, or shall fail or refuse to deliver to such appraiser a list of his, her or their real estate as aforesaid, it shall be the duty of such appraiser to make a list thereof according to the best information he



can obtain, subject to the provisions of the eighth section of this act, in the name of the owner, if known, or in the name of the person to whom the same is now listed; but if it be not listed, and the owner's name be unknown, then it shall be noted, that the owner is unknown in the column of names; and to enable him so to do, he is hereby authorized to examine, on oath or affirmation, any person whom he may suppose to have knowledge of the amount and value of all lands which such person refuses to list as required.

SEC. 52. The appraiser, in ascertaining or determining the quantity of land in the several tracts within his county, shall be governed by the following rules: Whenever the owner or person in whose name it is listed, shall hold, by virtue of a deed from another party, or from the State of Indiana, or by patent from the United States for congress land, such deed or patent, if the quantity be therein stated, shall be taken [and received] as the evidence of the quantity in the tract described; but if such lands shall have been surveyed subsequent to the survey made by the United States, and it shall be proven to the satisfaction of the appraiser that any such tracts of land contain a greater or less quantity than is described in the patent or deed under which such lands are held, then the appraiser shall charge the owner with the true quantity as ascertained by such subsequent survey; if the owner or person in whose name any lands are listed within the French, or Clark's grant, shall hold, under an original entry or survey with or without the patent thereon, it shall be the duty of the appraiser to require the said owners or holders to cause the same to be surveyed by the county surveyor, or some other competent person, and to return the quantity under the certificate of [said] surveyor, attested by oath or affirmation, within sixty days after said owners or holders shall have been called upon to list their lands for taxation; and if any such owner or holder shall refuse or neglect to survey and list his lands as herein provided, or if he, she or they be non-residents of the county, then it shall be the duty of the appraiser to cause such lands to be surveyed and returned to himself; the expense of which survey shall be paid from the county treasury, and be by the auditor of the county assessed against such lands in the succeeding year, and collected in the same manner as taxes are collected thereon: *Provided*, That if any owner or holder of lands has had the same previously surveyed, and shall produce to the appraiser a certificate of survey other than that under the original entry of said lands, such survey shall be taken by such appraiser, or if the appraiser shall be satisfied, from other competent evidence adduced to him under oath or affirmation, that the quantity returned is correct, and that no surplus exist in the original survey, he shall enter and return the same without further survey for taxation.

SEC. 53. The appraiser shall complete his list, taken as before provided, placing on the same, opposite to each tract of land listed, and if a town lot or part of a lot, the value without improvements, and also in another column opposite, the value of the improvements

erected thereon or affixed thereto; and opposite to each town lot or part of lot, the value of such lot or part of lot, appraised with the buildings and all other improvements erected thereon or affixed thereto.

SEC. 54. The appraiser shall, at the time of making the appraisal and taking the list required by the preceding section of this act, inform the owner or owners, his, her or their agent or representative, if residing within the county, or shall leave a memorandum at his, her or their place of residence, of the amount at which his, her or their real estate has been appraised, respectively, and of the time when the board of equalization for the county will meet for the purpose of hearing and determining grievances, and to equalize taxes within the same.

SEC. 55. For the purpose of enabling the appraiser to determine the value of buildings and other improvements, he is hereby required to enter, with the consent of the owner [or] occupant thereof, and fully examine all buildings and structures of whatever kind, which are not by the laws of the State expressly exempted from taxation.

SEC. 56. Each appraiser shall, on or before the first day of June, make out and deliver to the auditor of his county a return, in tabular form and alphabetical order, contained in a book to be furnished him by such auditor, of the amount, description and value of all the real estate subject to be listed for taxation in this county, which return shall contain:

*First.* The names, arranged in alphabetical order, of the several persons, companies or corporations in whose names the several parcels of real estate in each township within his county shall have been listed, and in appropriate columns opposite each name, the description of each parcel of such real estate listed in such name, and the value of each separate parcel of such real property, as determined by the appraiser from actual view.

*Second.* The names, arranged in alphabetical order, of the several persons, companies or corporations in whose names the several parcels of real property in any town or towns in his county shall have been listed, and in the appropriate columns opposite each name,

The description of each parcel of real property in each town in his county; and

The value thereof, as determined by the appraiser as above specified; and such return shall distinctly set forth,

The name or names of the owner or owners of each separate parcel of real property, if known, and if unknown, that fact shall be set forth; also,

A correct and pertinent description of each separate parcel of land or real property; if a town lot or part thereof,

The name of the town;

The number or other designation of the lot; and if a part of such lot, then

The proportion and situation thereof; and

The extent, in feet, along the principal street on which it shall abut.



If the parcel of real property be other than a town lot or a parcel thereof,

The number of acres;

The land district;

The range of townships;

The number of townships;

The number of the section, tract, lot or subdivision of either, as the case may require.

If such land be situated in the French, or Clark's grant, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof contained in each separate parcel so listed; and if any separate parcel of land shall comprehend the whole or parts of any two or more sections, lots, tracts or surveys, then the statement shall set forth, as nearly as may be, the number of acres taken from each section, lot, tract or survey included in such parcel.

SEC. 57. Each appraiser shall take and subscribe an oath, which shall be certified by the magistrate or other officer administering the same, and attached to the return which he is required to make to the county auditor, in the following form:

I, \_\_\_\_\_, appraiser for the county of \_\_\_\_\_, in the State of Indiana, do solemnly swear that the return to which this is attached, contains a correct description of each parcel of real property within said county, as far as I have been able to ascertain the same; that the value attached to each parcel in said return is, as I verily believe, the full and true cash value thereof, estimated agreeably to the rules prescribed by law; that in no case have I knowingly omitted to demand a statement of the description and value of all the real estate which I am required by law to list, or in any way connived at any violation or evasion of any of the requirements of the law, in relation to listing and valuing real estate; which abstract shall be kept at the office of the county auditor for the inspection of any owner of property contained on such abstract, until the first day of September as aforesaid; and it shall be the duty of the county auditor to give four weeks' public notice, by advertisement in a newspaper, if one be published in the county, or if no newspaper be printed in the county, by advertisement set up at the door of the court house, and at some public place in each township, of the time and place, when and where the special board for equalization for each county will meet for the purpose of hearing and determining grievances, and to equalize taxes thereon.

SEC. 58. The board doing county business, county auditor, and appraiser or appraisers of each county of this State, shall constitute a special board of equalization for such county, on the first Monday of June, in each year, when the real estate is valued, and the county auditor shall produce to said board the abstract returned to him by the appraiser; and said board, or a majority of them, shall have power to hear and determine the complaint of any owner or owners, his, her or their agent, attorney or representative, of any property

contained on said abstract, which may have been listed and appraised by said appraiser, relative to the listing and appraising thereof, and to correct the same as right and justice may require; and said board of equalization shall moreover have power to equalize the valuations made by such appraiser as hereinbefore provided, either by adding to or deducting from any valuation made as aforesaid, such sum as to them or a majority of them may appear just and equitable.

SEC. 59. The appraiser and deputy appraiser shall each be allowed, for the time that they may necessarily be employed in the performance of their duties, not less than one dollar and fifty cents nor more than two dollars per day, to be determined by the board doing county business; which allowance shall be paid out of the county treasury. The said appraisers shall make out their accounts in detail, giving the date of each day which they shall have been employed; which account they shall verify under oath; and the board doing county business, if they shall find such statement to be correct, shall allow the same, but in no case shall the same be allowed until the appraiser shall have filed his list of assessments, with the statements returned to him, and the books in which the original assessments were entered, with the auditor; the list to be accurately made out and added up. And the county auditor, appraiser, and county commissioners, when acting as members of the county board of equalization for the several counties, shall receive the sum of two dollars for each day they shall respectively be employed in the discharge of the duties required of them by this act, to be paid out of the respective county treasuries.

SEC. 60. Each appraiser and deputy appraiser shall, at the end of each week in which he shall have been engaged in the performance of any of the duties required of him by law, enter an account in writing of the number of days or parts of days he may have been so engaged during the week; at some stated meeting of the board doing county business shall present such original account to said board, and shall testify under oath or affirmation to the accuracy of such statement, and shall answer such questions respecting the same as may be put to him by the board.

SEC. 61. If any appraiser shall, by himself or deputy or deputies, be guilty of any neglect of duty which by any law now in force or which may hereafter be enacted, it is made his duty to perform, the board doing county business may make such deduction from his account for services rendered as they may deem just and reasonable; and he shall moreover, be subject to presentment and indictment by the grand jury of the county, and may be fined in any sum in the discretion of the jury trying the same, for the use of common schools; and it is made the duty of the judges of the circuit court to give this act in charge to the grand jury of the proper county.

SEC. 62. The appraiser shall enter in a column provided for that purpose opposite the name of every person, company or corporation



required to list his real estate, and who has refused to furnish the list required, these words "refused to furnish a list."

SEC. 63. Each appraiser shall, at the time he is required by this act to make return of the taxable real property to the county auditor, also deliver to him all the statements of property which he shall have received from persons required to list real estate, the same arranged in alphabetical order, and said auditor shall carefully file and preserve the same.

*Of the election of assessors and their qualifications, powers and duties.*

SEC. 64. On the second Tuesday in October, in the year one thousand eight hundred and fifty-two, and biennially thereafter, there shall be elected in each township in this State, one assessor in and for such township, by the qualified voters thereof. Such assessors shall hold their office for the term of two years and until their successors shall be elected and duly qualified, and shall do and perform all such duties as now are or may hereafter be required by law to be performed by assessors.

SEC. 65. It is hereby made the duty of the sheriffs of the several counties in this State to put up three printed or written notices in three of the most public places in the several townships of the proper county, at least twenty days previous to the time of said elections, specifying the time and place of holding the same; and like notice shall also be given, by publication in some newspaper of general circulation, printed and published in the proper county, if any such paper be printed and published therein. Said elections shall be conducted in all respects as other township elections; and it is hereby made the duty of the inspectors and judges of the elections to certify to the county auditor of the proper county, the person receiving the highest number of votes given in their proper township, and said auditor shall give to the person so elected a certificate of his election. And it is made the duty of the county auditor to furnish the several township assessors with a sufficient number of blanks to take down the taxable property in their respective townships.

SEC. 66. Each township assessor, previous to entering upon the discharge of the duties of his office, shall give bond with good and sufficient security, to the acceptance of the board doing county business, in term, or of the county auditor in vacation, in the penal sum of one thousand dollars, payable to the State of Indiana, and conditioned for the faithful and impartial discharge of the duties of his office according to law, and shall take and subscribe an oath or affirmation, to be endorsed on his bond, that he will faithfully and impartially discharge the duties of his office to the best of his skill and ability; and the bond, so endorsed, shall be deposited with the county auditor, and by him carefully preserved; and said auditor is hereby authorized to administer the oath of office aforesaid.

SEC. 67. If any township assessor shall not give bond and secur-

ity, or shall not take the oath or affirmation, as required in the preceding section, on or before the second Monday in December next after his election, his office shall [be] considered vacant, and the county auditor shall then fill such vacancy by appointment, which appointment and the proceedings thereon, he shall lay before the board doing county business, at their next meeting thereafter; and should any vacancy occur, by death, resignation, or otherwise, the same shall be filled as provided in this section.

SEC. 68. Whenever such vacancy or vacancies occur, and are filled as hereinbefore provided, the person so appointed to fill such vacancy shall give bond and take the oath or affirmation as provided in the preceding section.

SEC. 69. If any assessor shall be guilty of neglect of any of the duties prescribed in this act, or which may hereafter be prescribed, such assessor shall upon presentment, indictment, or in any mode which may be prescribed by law, be fined in any sum not exceeding one hundred dollars nor less than ten dollars, at the discretion of the jury or court trying the same, for the use of the common schools of the proper county.

SEC. 70. Each township assessor shall, on or before the first day of June, annually, make out and deliver to the auditor of his county, in tabular form and alphabetical order, a list or lists of the names of the several persons, companies, or corporations, in whose names any personal property moneys, credits, or other taxables shall have been by him listed in his township; on which list or lists he shall enter, separately, in appropriate columns, opposite each name, the aggregate value of the several species of personal property and taxables enumerated in the twenty-third section of this act, as attested by the person required to list the same, or as determined by the assessor; making separate lists of persons residing out of any incorporated town, and of persons who are residents of an incorporated town; the columns shall be accurately added up; and in every case where any person whose duty it is made to list any personal property, or other taxables for taxation, shall have refused to make out and return to such assessor the lists of personal property and taxables enumerated in the 23d section of this act, the assessor shall enter, in an appropriate column, the words "refused to list;" and in every case where the person required to list personal property for taxation shall refuse to take and subscribe the oath or affirmation required of him by this act, in regard to the truth of his statement, the assessor shall enter, in an appropriate column, the words "refused to swear;" and in every case where any person required to list property for taxation shall have been absent, or unable from sickness, to list the same, the assessor shall enter opposite his name, the word "absent," or "sick."

SEC. 71. Each township assessor shall, at the time he is required by this act to make return of taxable property to the county auditor, also deliver to him all the statements of property which he shall



have received from persons required to list the same, arranged in alphabetical order, corresponding with his list or lists; and the auditor shall carefully preserve the same in his office.

SEC. 72. Each township assessor shall annually, (except when the real estate is appraised,) at the time of taking lists of personal property, also take a list of all real estate situate in his county, that shall have become subject to taxation since the last previous listing of property therein, with the value thereof, estimated agreeably to the laws regulating the duties of appraisers of real estate, and all new improvements, buildings, or other structures of any kind, the value of which shall not have been previously added to or included in the valuation of the land on which such improvements have been made, or structures erected, and shall make return thereof to the county auditor, at the same time that he is required by this act to make return of personal property; in which return he shall set forth the parcel of real property on which each of such improvements shall have been made, or structures erected, and the true value added to such parcel of real estate by the making of such improvement, or the erection of such structure, and the additional sum which it is believed the land on which the improvement shall have been made, or structure erected, will sell for at private sale, in consequence thereof, shall be considered the value of such improvement or structure; and in case of destruction by fire, flood, or otherwise, of any improvement, building, or structure of any kind which shall have been made or erected previous to the last valuation of the land on which the same shall have been, and the value of which shall have been added to any former valuation of such land, the assessor shall determine, as nearly as practicable, how much less such land would sell for at private sale in consequence of such destruction; and make return thereof to the county auditor, as in this section before provided in relation to improvements made, and structures erected.

SEC. 73. It is hereby made the duty of each and every assessor in this State, in making his returns to the auditor of his county, of the taxables in his township, as provided in this act, to set down in appropriate columns, the number of domestic and farm animals of all kinds, and the quantities in bushels and tons, of farm products of every kind, in his township. It is, also, hereby made the duty of each and every county auditor in this State, without unreasonable delay, after receiving from the township assessors the statements particularly mentioned in this section, to report the same, under appropriate heads, to the Auditor of State. The Auditor of State, in making his annual report to the General Assembly, shall embody therein a condensed statement, in tabular form, of the matters contained in the reports made to him by the county auditors, as required by this section, exhibiting the products of each county and the aggregate for the entire State.

SEC. 74. Each assessor shall take an oath or affirmation, which shall be certified by the magistrate or other officer administering the

same, and attached to the return which he is required to make to the county auditor, in the following form: I, \_\_\_\_\_ assessor for \_\_\_\_\_ county, in the State of Indiana, do solemnly swear (or affirm) that the value of all personal property, moneys, credits, and other assessables, of which a statement has been made and attested by oath or affirmation of the person required by law to list the same, is truly returned, as set forth in such statement; that in every case where by law I have been required to ascertain the amount and value of personal property and assessables of any person, company or corporation, I have diligently and by the best means in my power, endeavored to ascertain the true amount and value of such personal property and assessables; and that, as I verily believe, the full value thereof, so ascertained by me, and estimated by the rules prescribed by law, is set forth in the annexed return; that in no case have I knowingly omitted to demand a statement of the description and value of personal property, or of the amount of moneys and credits, or of the amount and value of corporation or other stocks, bonds or other assessables which any person is required by law to list; nor have I in any way connived at any violation or evasion of any of the requirements of law in relation to listing or valuing personal property, moneys, credits, stocks or other assessables for taxation.

*Of the duty of County Auditors in making out tax lists and duplicates and assessing taxes.*

SEC. 75. The auditor of each county shall, annually, between the first Monday of June and the fifteenth of October, make out a duplicate list of taxes assessed in each county, according to the forms which shall be furnished by the Auditor of State; and, in so doing, he shall enter in separate columns—first, all lands in each civil township, with the names of the owners in alphabetical order, the value of the land without improvements, and opposite to this, the value of the improvements; and opposite to this, the value of such land with improvements; secondly, in like order he shall enter all town in-lots and out-lots situate in such township, with the improvements thereon; thirdly, in its place, all corporation stock, (except stocks of the State bank;) fourthly, all personal property subject to taxation, and which shall be charged, together with the poll tax, in the civil township where the owner resides; fifthly, he shall number each original township in regular progression as the same shall stand entered on his duplicate, and the same townships shall retain the same numbers from year to year; and sixthly, he shall number each name in each township in regular progression.

SEC. 76. The county auditor making out such duplicate, shall be careful to enter thereon all the lands previously entered for taxation, with the valuation thereof as heretofore assessed; and all such lands as by mistake or neglect shall have been omitted to be entered; also,



all such lands as shall be found to have become subject to taxation since the last assessment, with such valuation as shall be affixed thereto by the assessor; and he shall enter the corporation stock and personal property according to the list of the assessor last returned, giving a pertinent description of all property thus entered on his duplicate, and duly enter all transfers of land noted in his office since the last assessment, and carry into effect all alterations which shall be made in the assessors' lists by the board of equalization.

SEC. 77. When any building or personal property listed for taxation, shall be consumed by fire, or otherwise destroyed, the auditor, on being satisfied thereof, shall strike the same from his duplicate, or deduct the proper proportion from the valuation of the land or other property with which the same may stand charged on such duplicate.

SEC. 78. The county auditor shall estimate, in dollars and cents, rejecting fractions of a cent, and set down on such duplicate, in separate columns, the State, county, school and road tax chargeable on the valuation of the property contained in such duplicate; also, the amount of taxes on all property returned delinquent for any preceding year and remaining unpaid, and a penalty of ten per centum on the amount of such tax; also, the State and county poll tax; and shall carry out the aggregate amount into a column of totals.

SEC. 79. He shall add up and set down on each page of such duplicate, the several columns containing the valuations of real and personal estate, the taxes charged, and the number of acres, carrying the same forward from page to page to the close of each township; and at the end of the duplicate, he shall recapitulate the several townships, and add up and set down the aggregate of the above items for the whole county.

SEC. 80. He shall cause a copy of such duplicate to be delivered to the treasurer of his county, on or before the fifteenth day of October, in each year.

SEC. 81. He shall also make out and cause to be transmitted to the Auditor of State, on or before the first day of November, in each year, a complete abstract of all the property listed in each township, the valuation thereof, the number of polls, the amount of each kind of tax, and the aggregate thereof in the county, and certify the same; as also the rate of each kind of tax assessed.

SEC. 82. He shall, from time to time, correct all errors which he may discover in his duplicate, either in the name of the person charged with taxes, the description of the property, or the amount of tax charged; and when such correction is made after the duplicate shall have been delivered to the treasurer for collection, the auditor shall give to the person to be benefitted thereby, a certificate of such correction, to be presented to the treasurer, who shall make the like correction on his duplicate, and keep such certificate as his voucher on settlement with the auditor.

SEC. 83. Each county auditor shall add to the value, as returned by the assessor, of all personal property and of all moneys, rights,

credits, effects and stocks which the owner or other person in behalf of the owner, whose duty it is made by this act to list the same, has refused to list, or to the value of which such person shall have refused to swear when required so to do, in obedience to the provisions of this act, fifty per centum on the value so returned by the assessor.

SEC. 84. If any person required to list property for taxation, shall have been prevented, by sickness or absence, from making and delivering to the assessor such statement, such person, or his agent, having charge of such property, may, at any time before the assessment of taxes thereon by the county auditor, make out and attest on oath or affirmation before the county auditor, who is hereby authorized to administer the same, a sworn statement as required by this act, and also make out the second statement as required by this act; and the county auditor shall, in such case, make an entry thereof on the return for the proper township, and correct the corresponding item or items in the return made by the assessor, as the case may require; but no such statement shall be received by the county auditor from any person who shall have refused to make out such statements, in the manner required by this act, and deliver the same to the assessor, within the time required by this act, nor from any person, unless he shall make and file with the county auditor an affidavit, that the person required by this act to list the same, was absent from his township without design to avoid the listing of his property, or was prevented by sickness from making out and delivering to the assessor the required statements, within the time prescribed by law.

SEC. 85. If, from a careful examination of the returns made by the assessor, the auditor shall discover that any tract of land, town lot, or part of either, in his county, shall have been omitted in the returns of such assessors, he shall add the same to his list of real property, with the name of the owner, and shall forthwith notify the assessor in whose returns such omission occurred, thereof, and such assessor shall forthwith proceed to ascertain, and return to the county auditor, the value of the tract or lot, or part thereof, so omitted; or the auditor may himself ascertain the value of such tract or lot, or part thereof, and add the same to the list of real property.

SEC. 86. The county auditor, if he shall have reason to believe, or be informed, that any person has given to the assessor a false or incorrect statement of his personal property, moneys, rights, credits, effects or stocks, or that the assessor has not returned the full value of any such assessables, required to be listed in his township, or has omitted, or made an erroneous return of any such assessables, shall proceed, at any time before the final settlement with the county treasurer, to correct the duplicate, and to charge such person with the proper amount of taxes thereon; to enable him to do which, he shall be invested with all the powers conferred on assessors by this act; and it shall be the duty of the auditor, in all such cases, before making the entry upon the duplicate, to notify such person that he may have an opportunity of showing that his statement, or the return



of the assessor, was correct; and the county auditor shall, in all such cases, file in his office a statement of the facts or evidence upon which he made such correction; but he shall in no case reduce the amount returned by the assessor, without the written assent of the Auditor of State, given on a statement of facts submitted by the county auditor.

SEC. 87. County auditors shall not publish in the list of delinquent or forfeited lands, any tract or lot upon which the taxes due shall not be more than double the cost of publishing such tract or lot; but such tract or lot shall be retained upon the duplicate until the taxes due thereon shall be more than double the cost of publishing the same in the list of delinquent or forfeited lands.

SEC. 88. Whenever the county auditor is required by this act to perform any duty, the same shall be understood and taken to mean and include, in those counties where there is no county auditor, the clerk, or other person who performs the duty of county auditor.

SEC. 89. If any county auditor, upon receiving the returns of any assessor, shall be satisfied that such assessor has omitted any personal property, moneys, rights, credits, effects or stocks, in his township, which it was his duty to return, such auditor may, if he deem it expedient, authorize and require such assessor to proceed to correct any error or omission which may have occurred, as aforesaid; and, in such case, such assessor shall, within ten days after being so required and authorized, proceed to correct such errors and omissions, and make return thereof to such county auditor; but nothing herein contained shall [authorize] any assessor to reduce the amount assessed against any person in his former return; and such county auditor shall charge such person with the additional amount, if any, returned by such assessor.

SEC. 90. The several county auditors in this State shall, on or before the first day of January in each year, cause to be printed, at the expense of their respective counties, a sufficient number of blank lists, forms, and instructions, required by this act, [or] by the Auditor of State, and shall deliver the same to the township assessors.

SEC. 91. The board of county commissioners, auditor, and assessors, shall meet at the seat of justice of each county, on the first Monday of June, annually, and shall constitute a board of equalization, who shall have power to hear and determine the complaint of any owner of personal property, moneys, rights, credits, effects or stocks, or poll listed, respecting the same, and the valuation of any such property or taxables, made subsequent to the preceding first day of January, and shall correct any list or valuation as they may deem proper, and shall have power to equalize the valuation made by the assessors, either by adding to or deducting from their valuation, such sums as to them, or a majority of them, shall appear just and equitable.

SEC. 92. If any person who has been assessed with personal property out of this State, shall satisfy the auditor of the county where such assessment is made, by his own affidavit and such other

evidence as such auditor may require, that he has paid a tax on such property for the current year, in any other State in the Union, such auditor shall release such property from taxation.

*Of the manner of collecting taxes, and the duties of the county auditor and treasurer therein.*

SEC. 93. The county treasurer shall receive from the county auditor the duplicate of taxes whenever presented between the first Monday in June and the fifteenth day of October.

SEC. 94. Immediately on receiving such duplicate, he shall proceed to collect the same, and for that purpose shall, between the fifteenth day of October and the fifteenth day of November, attend at the place of holding elections in each township for the space of one day, and as much longer as the board of county commissioners shall direct, and after the fifteenth day of November until the third Monday of March he shall, for the same purpose, attend at his office at the seat of justice.

SEC. 95. He shall forthwith cause notices to be posted up in three public places in each township throughout his county, one of which shall be at the place of holding elections in each township, and also cause the same to be published in some newspaper having general circulation in his county (if any there be,) for six successive weeks, stating in such notices the amount of tax charged for State, county, school, road, or other purposes on each one hundred dollars valuation; also, the amount of State and county poll tax; also, on what day he will attend at the place of holding elections in each township, for the purpose of receiving taxes.

SEC. 96. In case any person shall refuse or neglect to pay the tax imposed on him, the county treasurer shall, after the third Monday of March, levy the same, together with ten per centum damages, and the costs and charges that may accrue, by distress and sale of the goods and chattels of such person who ought to pay the same wheresoever the same may be found within the county.

SEC. 97. The treasurer shall give public notice of the time and place of sale, and of the property to be sold, at least ten days previous to the day of sale, by advertisements to be posted up in at least three public places in the township where such sale shall be made.

SEC. 98. Such sale shall be by public auction, and no more property shall be sold than sufficient to pay the tax, costs and charges; if convenient, to be sold in parcels, and if sold for more than the amount necessary, the surplus shall be returned to the owner of such property.

SEC. 99. The treasurer shall be allowed the same fees and charges except mileage, for making distress and sale of goods and chattels for the payment of taxes, as may be allowed by law to constables for making levy and sale of property on execution.



SEC. 100. In case the treasurer shall have cause to fear that any person charged with tax is about to remove from the county without payment of his tax, he may, at any time before the third Monday of March, in like manner levy such tax, costs and charges, by distress and sale.

SEC. 101. The power to levy and collect shall continue in such treasurer after his return and settlement with the county auditor, until the taxes shall be paid, should goods or chattels of the delinquent be found within his county.

SEC. 102. The several county treasurers be and they are hereby required, immediately after their annual settlement with the Auditor of State, either in person or by deputy to call upon every delinquent tax payer in their respective counties, and if necessary, to distrain property for the collection of such delinquent tax, together with penalty and interest.

SEC. 103. The said treasurers shall, annually, on the first Monday of August, file with the auditors of their respective counties, schedules of all such delinquent taxes collected by them, verified by their oaths or affirmations, and shall receipt to said auditors for the amount collected for county purposes, and shall pay the amount collected for State purposes into the treasury of the State, or deposit the same to the credit of the Treasurer of State in the nearest Bank, if so directed by the said Treasurer of State; and it shall be the duty of such county auditors to forward certified copies of such schedules, forthwith, to the Auditor of State.

SEC. 104. The said treasurers shall be allowed for their services in making such collections, eight per centum on the amount of all such collections of delinquent taxes, payable in just proportion out of each fund collected, and shall also be allowed constable fees and mileage from the place of holding elections in each township to the residence of such delinquent tax payer, which shall be collected from such tax payer.

SEC. 105. Whenever any county treasurer or collector for any previous year, shall have charged himself with, and accounted for, any tax that shall not have been paid to him, such tax shall be deemed and taken as due him personally, whether in or out of office, and may be by him collected in the same way as other taxes due and unpaid are collected.

SEC. 106. That whenever any person shall be returned by a county treasurer to the county auditor as delinquent for the non-payment of taxes, and such person shall have removed from the county in which he was assessed to any other county in this State, it shall be the duty of the said treasurer, in making such return, to write opposite the name of such person the words "removed from this county," stating, also, the name of the county to which such person shall have removed, if known to such treasurer.

SEC. 107. It shall be the duty of the county auditor, whenever he shall be advised, by the return of the treasurer, or by any other

means, that any delinquent tax payer has removed as aforesaid, if such auditor shall be satisfied that there is a reasonable prospect of collecting said taxes, to make out a list of the taxes owing by such person, specifying therein what is State, and what are county, school, and road taxes; which list shall be certified to be correct, under the hand and seal of such auditor, and the said auditor shall transmit the said list to the auditor of the county to which such person shall have removed; and the said county auditor, for making out and transmitting the said statement, shall be entitled to the sum of fifty cents, and the county treasurer is required to collect the same from such delinquent tax payer.

SEC. 108. The county auditor to whom such list shall be sent, shall immediately enter the same on his tax duplicate, and charge the treasurer of his county with the amount, and instruct him to collect the same.

SEC. 109. The said county treasurer shall proceed to collect the said taxes, interest, damages and fees; and in so doing, he shall be governed by the provisions of this act, and the laws in force regulating the duties of county treasurers; and when the same is collected, the county treasurer shall pay the same into the State treasury; the county, school, and road tax and fees shall be entered to the credit of the county entitled to the same, and the Treasurer of State shall pay the same over to the proper county treasurer.

SEC. 110. The auditor and treasurer of the county to which such statement shall have been sent, shall be allowed the same fees as they are now allowed, or may hereafter be allowed for similar services.

SEC. 111. The treasurer shall receive the tax on a part of any real estate charged with taxes, provided the person paying such tax shall furnish a particular specification of such part, and shall pay a like proportion of all the several taxes charged thereon for State, county, road, or other purposes; and if the tax on the remainder of such real estate shall remain unpaid, the treasurer shall enter such specification on his return to the county auditor, to the end that the part on which the tax remains unpaid may be clearly known; but such payment shall not discharge any lien of the State as provided for in the 112th and 113th sections of this act.

SEC. 112. The lien of the State for all taxes for state, county, school, road, or township purposes, shall attach on all real estate on the first day of January, annually; and such lien shall be perpetual for all taxes due from the owner thereof, which have heretofore accrued, or shall hereafter accrue, with the interest and penalties in each case, until payment; which lien shall in no wise be affected or destroyed by any sale or transfer of any such real estate.

SEC. 113. All the property, both real and personal, situate in any county, shall be liable to the payment of all taxes, penalties, interest, and costs charged to the owner thereof, in such county, and no partial payment of any such taxes, penalties, interest, or costs,



shall discharge or release any part or portion of such property, until the whole be paid; which lien shall in no wise be affected or destroyed by any sale or transfer of any such personal property.

SEC. 114. If any such partial payment be made, and the payer desires it to be applied on any particular property, real or personal, the property so designated shall not be sold for the residue of the taxes due, if property of the same description can be found sufficient to make the balance due.

SEC. 115. There shall be a penalty assessed of ten per cent. upon the amount of taxes returned delinquent, which the persons or property assessed shall be liable to pay, together with interest upon the whole amount until paid.

SEC. 116. Whenever any tax is paid, the treasurer shall note the same on his duplicate, and shall give to the person paying the same a receipt, specifying the amount paid, what paid for, and the property on which the same was assessed, according to its description, and the number of the owner's name on the duplicate.

SEC. 117. It is hereby made the duty of the county treasurer, at the time he sells lands as for taxes unpaid and delinquent, as is directed in this act, and after the purchasers of lands under such sales shall have made payment of the amount of their bids, respectively, to endorse upon or annex to each certificate to be given to the purchaser by the county auditor, as required in this act, his written guaranty, signed by him, warranting that the taxes due upon the tract or tracts, lot or lots, piece or parcel of land, which, or a portion of which, are named upon such certificate, for the years for which the same shall have been returned delinquent, have never been paid by the owner nor by any person on his behalf, and that the same were yet due and unpaid at the time of the sale thereof named in such certificate. And if it should at any time appear that such county treasurer had, before the time of making such guaranty, received, either in person or by deputy, the said taxes assessed against such tract or tracts, lot or lots, piece or parcel of land, the holder of such certificate is entitled to his action upon such written guaranty aforesaid, forthwith upon the fact becoming known that such lands were improperly sold, and without awaiting the accrual of any special damage to such holder; and, in such action, the measure of damages to which such holder of such certificate is entitled, is double the amount paid by such holder, as taxes, interest, penalty and charges, with lawful interest thereon; or, such holder is entitled to his action on the official bond of such treasurer, against him and his sureties, as for dereliction in duty, in which action the measure of damages is the same as above mentioned.

SEC. 118. If any county treasurer shall fail to give proper credit for any taxes paid to him, whereby the owner of any tract, lot, parcel or piece of land may be deprived of his title thereto or to some portion thereof, or whereby such title may be jeopardized by proceedings under this act or any acts amendatory hereof, such failure shall be held as a dereliction of duty; and the said owner or his legal rep-

representatives may, in an action against such treasurer, or upon his official bond, recover a judgment for double the amount of all the damages, costs, and charges to which such owner may have been subjected in consequence of such failure.

SEC. 119. Whenever any tract, parcel or lot of land shall have been assessed to two different persons, and the entire tax shall have been paid by either of them, if the treasurer shall sell such land as delinquent on account of the non-payment by the other party, of the taxes assessed against him thereon, such sale shall be held to be a dereliction of duty; and the party damaged by such sale, shall have his right of action against such treasurer, personally, or on his official bond, and in such action the measure of damages shall be the same as prescribed in the preceding section.

SEC. 120. Whenever it shall appear to the board doing county business in any of the counties of this State, that by reason of erroneous charges on the tax duplicate, or from any other cause, the treasurer of such county has paid and accounted to said board for more money than was justly due from him on account of county revenue, said board doing county business shall direct the auditor to credit said treasurer with the sum or sums thus improperly paid, and order the same to be refunded from the county treasury.

SEC. 121. Whenever similar improper or erroneous payments have been made by any county treasurer, to the State treasury, the board doing county business shall direct the auditor to certify said improper or erroneous payments to the Auditor of State, under his seal of office, who shall audit and allow the same as a claim against the treasury, and the treasurer shall pay the same out of any moneys not otherwise appropriated.

SEC. 122. The provisions of the two preceding sections shall extend to persons who have been, as well as those who are now, and shall hereafter be, county treasurers.

*Of the settlement and payments to be made by the County Treasurers, and the duty of the Auditors and other officers therein.*

SEC. 123. The county auditor and treasurer shall attend at the office of said auditor on the third Monday in March, annually, and the treasurer shall then and there make settlement with the auditor for the amount of taxes for which said treasurer is to stand charged, as follows:

*First.* The auditor shall take from the duplicate in the hands of the treasurer, for collection, a list of all such taxes as said treasurer shall have been unable to collect, therein describing the property on which such delinquent taxes are charged, as the same property is described on such duplicate, and shall note therein, in a marginal column, the reasons assigned by such treasurer why such taxes could not be collected.



*Second.* Such list shall be signed by the treasurer, and he shall also testify to the correctness thereof, under oath or affirmation, to be administered by the auditor.

*Third.* The auditor shall forthwith record such list of delinquencies in his office, and deliver the same to the treasurer, who shall deliver the same to the Auditor of State at the time he makes settlement with him as hereinafter required.

*Fourth.* In making such delinquent list, the delinquencies of each township shall be kept separate and distinct.

*Fifth.* After deducting the amount of taxes so returned delinquent, and the collection fees allowed the treasurer, from the several taxes charged on the duplicate, in a just and rateable proportion, the treasurer shall be held liable for the balance.

*Sixth.* The auditor shall certify, in such manner as the Auditor of State shall direct, the balance due to the State, the balance due to the county, the balance due for road purposes, and the balance due to the townships or school districts therein; which certificate he shall deliver to the treasurer, who shall deliver the same to the Auditor of State, at the time he makes settlement with him, as hereinafter provided.

SEC. 124. Each county treasurer shall, on or before the second Monday of April in each year, pay over to the State Treasurer all the moneys found due for State revenue, according to the certificate of settlement with the auditor of his county, deducting therefrom his traveling fees, and shall take a receipt from the State Treasurer for the money so paid, which he shall deposit with the Auditor of State, who shall give him a quietus.

SEC. 125. The revenue collected for county, road and other purposes, shall be paid over, and settlement therefor made, as may be provided in the several acts and sections relating thereto, and to the duties of the county auditors and treasurers.

SEC. 126. If any county treasurer shall refuse or neglect to make return or settlement with the auditor of his county, as in this act required, he and his sureties shall be held liable to pay the full amount of the taxes charged on the duplicate, respecting which he so refuses or neglects to make return or settlement, together with interest from the time when such return or settlement should have been made, and ten per centum damages.

SEC. 127. If any such county treasurer shall refuse or neglect to pay over all moneys, as provided herein, he and his sureties shall be held liable to pay the full amount which he should have paid over, together with interest and ten per centum damages.

SEC. 128. In any such case, the county auditor, on being instructed to that effect by the Auditor of State, or by the board of county commissioners, shall cause suit to be instituted against such county treasurer and his sureties; and no stay of execution or appraisal of property shall be allowed on a judgment rendered or execution issued in such suit.

SEC. 129. No such suit shall be continued (without the consent of the attorney prosecuting the same,) for want of service of process on all the defendants; but judgment may be rendered against the defendants on whom process has been duly executed; and by appropriate process the other defendants may be made parties to such judgment at any subsequent term of the court in which such judgment shall have been rendered.

SEC. 130. The stated account of the treasurer against whom suit is brought, certified by the Auditor of State, as truly transcribed from the account current against such treasurer on the books of said auditor's office, authenticated by the State seal, shall be conclusive evidence of the demand of the State against such treasurer and his sureties.

SEC. 131. No payment, set off, or claim of credit shall be allowed in any such suit, in favor of the treasurer or his sureties, unless the same shall have first been presented to the Auditor of State, and allowed or rejected by him, unless the same could not, by using due diligence, have been so presented for his determination thereon, before the trial of such suit.

SEC. 132. In all suits brought against any county treasurer and his sureties, the county auditor shall be a competent witness, and all books and papers belonging to his office shall, when proved by the oath of the auditor, be admissible testimony.

SEC. 133. The sheriff or other officer who shall collect any money from a delinquent county treasurer or his sureties, shall, within ten days after the collection thereof, pay into the county treasury such portion thereof as shall belong to the county, and within thirty days after such collection shall pay into the State treasury the portion belonging to the State, retaining the same traveling fees allowed by law to the county treasurers; or, he shall pay the same over in such other manner as the Auditor of State may direct.

SEC. 134. If any sheriff, or other officer to whom execution against a delinquent treasurer or his sureties shall be delivered, shall neglect or refuse to execute the same, or shall neglect or refuse to pay over any money collected thereon, he and his sureties shall be liable to the same penalties, and be proceeded against in the same manner, and subject to the same disabilities as herein provided in relation to delinquent treasurers and their sureties.

SEC. 135. If any deputy treasurer shall fail or refuse to pay over to his principal, on demand, any taxes or other money by him collected as deputy treasurer, the same proceedings may be had, and penalties recovered, against him and his sureties, as herein provided against delinquent treasurers and their sureties.



*Of the proceedings relating to Delinquent Taxes, Sales and Conveyances of Lands therefor, and Redemption thereof.*

SEC. 136. Delinquent taxes may at any time before land is sold therefor, with the penalty, interest, and costs thereon, be paid as follows:

*First.* Into the county treasury at any time;

*Second.* Into the State treasury at any time after the return of the delinquent list to the Auditor of State, until the third Monday of September, annually.

SEC. 137. In case of such payment into the county treasury, the person paying shall file the treasurer's receipt with the county auditor, and take his receipt in place thereof.

SEC. 138. In case of such payment into the State treasury, the person paying shall file the treasurer's receipt with the Auditor of State, and take his receipt therefor, which he shall file with the treasurer of the proper county.

SEC. 139. Any levy or sale of property for delinquent taxes, made after such payment into the State treasury, shall be valid, if made before the filing of such receipt with the county treasurer; but after the filing of such receipt, proceedings on such levy shall be stayed, on payment of costs and charges; or, if property shall have been sold, the owner shall be entitled to a return of the proceeds, after deducting costs and charges.

SEC. 140. The portion belonging to any county, of such payments made into the State treasury, shall be certified to the county auditor by the State Auditor, and be allowed in settlement with the county treasurer for State revenue due from such county for the current year.

SEC. 141. The portion belonging to the State, of such payments made into the county treasury, shall be certified to the Auditor of State by the county auditor, and paid to the State Treasurer by the county treasurer, at the time and in the manner provided for certifying and paying over State revenue.

SEC. 142. Between the first and fifteenth days of November, annually, the county auditor shall make out and record, in a book to be provided for that purpose, a list of all lands returned and remaining delinquent for taxes, describing such lands as the same are described in the tax duplicate, and charging them with the amount of delinquent tax, with interest, and a penalty of ten per centum on such taxes, also with the taxes of the current year, and shall certify to the correctness thereof, with the date when the same was recorded, and sign the same officially.

SEC. 143. He shall cause a copy of such list to be immediately published, for four weeks successively, once in each week, in some newspaper having general circulation in his county, if any there be,

or he may have the same printed in handbill form, if the same can be done cheaper than to publish the same in a newspaper; otherwise by three copies posted up in public places in each township of his county, to which shall be attached, and in like manner published, a notice that so much of said lands as may be necessary to discharge the taxes, interest, and charges which may be due thereon, or due from the owner thereof at the time of sale, will be sold at public auction, at the court house in such county, on the first Monday in January next thereafter.

SEC. 144. The county auditor shall, on or before the day of sale, insert at the foot of such list on his record, a copy of such notice, and certify on said record immediately following such notice, the manner in which the same was published, giving the name of the paper in which the same was published, and the length of time during which it appeared.

SEC. 145. On the day mentioned in the notices, the county treasurer shall commence the sale of such lands, and shall continue the same from day to day, until so much of each parcel assessed, or belonging to each person assessed, shall be sold as will pay the taxes, interest, and charges thereon, or chargeable to such person in said county.

SEC. 146. The person offering at said sale to pay the required sum for the least quantity of any tract, shall be considered the purchaser of such quantity.

SEC. 147. When more than one tract belonging to the same person shall be for sale, at the same time, in the same county, each such tract as offered, shall be for the payment of the whole sum due from such owner on all such delinquent lands, or otherwise; and if no person shall bid off a part or the whole of such tract for the sum required, the said tract shall then be offered to the highest bidder; and if any amount shall yet remain due, the other tracts shall be proceeded with in like manner, until the required sum shall be realized.

SEC. 148. When less than the whole of any tract of land shall be sold, the quantity sold shall be taken off and laid out in a square form, as near as practicable, at the most northwesterly corner of the tract; and when less than the whole of any in-lot or out-lot of any town shall be sold, the part sold shall be taken off and laid out, so that it shall extend from the main or principal street, road, or alley, forming the most convenient front to such lot, to the rear of such lot, and to bound the same by lines as nearly parallel with the outlines of such lot as practicable.

SEC. 149. The purchasers at such sale shall immediately pay the amount of their respective bids to the treasurer; or on their failure so to do, the land shall be again forthwith offered for sale, the same as if no sale had been made; and the purchasers so failing shall forfeit and pay, for the use of the common school fund of the county, a penalty of twenty-five per centum on the amount of their bids,



to be recovered by action of debt, in the name of the treasurer, before any justice of the peace or court having jurisdiction thereof.

SEC. 150. The county auditor shall attend as the clerk of the sales of such delinquent lands, and shall enter the same on a sufficient record book, giving a description of the proper tract or lot, showing how much of each was sold, to whom, and the price, or whether the same remain unsold; a certified copy of which he shall send to the Auditor of State by the county treasurer, at the time such treasurer shall make his annual payment of State revenue.

SEC. 151. After payment shall have been made, the county auditor shall give to the purchaser a certificate in writing, describing the land so purchased, the sum paid, and the time when the purchaser will be entitled to a deed; which certificate shall entitle the holder to the possession of the premises therein described.

SEC. 152. The said certificate shall be assignable; but no assignment thereof shall be valid unless acknowledged before some justice of the peace or the proper county auditor, and recorded in such auditor's office.

SEC. 153. The owner or occupant of any land sold for taxes, or any other person, may redeem the same at any time within two years after the last day of such sale, by paying to the county treasurer, for the use of the purchaser, his heirs, or assigns, the sum mentioned in his certificate, and the amount of all subsequent taxes paid, with fifty per centum on the whole sum, and interest from the date of purchase or from the time of payment.

SEC. 154. Infants, idiots, femmes covert, and insane persons, may redeem any lands belonging to them, sold for taxes, within two years after the expiration of such disability.

SEC. 155. In case any lasting and valuable improvements shall have been made by the purchaser at a sale for taxes, or by any person claiming under him, and the land on which the same shall have been made shall be redeemed as aforesaid, the premises shall not be restored to the person redeeming until he shall have paid or tendered to the adverse party the value of such improvements; and if the parties cannot agree on the value thereof, the same proceedings shall be had in relation thereto as shall be prescribed in the law existing at the time of such proceeding for the relief of occupying claimants of land.

SEC. 156. No compensation shall be allowed for improvements made before the expiration of two years from the date of the sale for taxes.

SEC. 157. Any person claiming an undivided part of any land sold for taxes, may redeem the same, on paying such proportion of the purchase money, interest, penalty, and subsequent taxes, as he shall claim of the land sold.

SEC. 158. Any person claiming an undivided share in any land out of which an undivided part shall have been sold for taxes, may redeem his undivided share by paying such portion of the pur-

chase money, interest, penalty, and subsequent taxes as he claims of the lands sold.

SEC. 159. Any person claiming a specific part of any lands sold for taxes, may redeem his specific part by paying such proportion of the purchase money, interest, penalty, and subsequent taxes as his quantity of ground shall bear to the whole quantity sold.

SEC. 160. Any person claiming a specific part of any lands, out of which an undivided part shall have been sold for taxes charged on the whole tract or lot, may redeem his specific part by paying such proportion of the purchase money, interest, penalty, and subsequent taxes, as his quantity of acres shall bear to the whole quantity taxed.

SEC. 161. Any person claiming a specific part of any lands, out of which a specific part belonging to some other person shall have been sold for taxes charged on the whole tract or lot, may exonerate himself from all liability to contribute to the owner of the part sold by paying into the county treasury, at any time before the expiration of the time allowed for redemption, such proportion of the purchase money, penalty and interest, as his quantity of acres will bear to the whole quantity taxed; and such payment shall operate as a redemption of a proportionate part, according to the amount paid, of the land sold.

SEC. 162. In every case of a partial redemption, pursuant to either of the last five sections, the quantity sold shall be reduced in proportion to the amount paid on such partial redemption, and the county auditor shall convey accordingly.

SEC. 163. Whenever the lands of any one person shall be sold for taxes assessed conjointly on the lands of such person and the lands of another person, [and] such other person shall not pay his due proportion, the person whose lands shall be sold may redeem the same, on paying the amount due to the purchaser; and he shall be entitled to recover from such other person whose lands were assessed with his, a just proportion of the redemption money so paid, with lawful interest from the time of such redemption; but no suit shall be brought for the recovery of such proportion until after the expiration of the time allowed for redemption.

SEC. 164. If such owner shall not redeem the land sold, and the same shall be conveyed by the county auditor, such owner may recover from such other person the same proportion of the value of the land sold and conveyed, that he ought to have paid of the tax, interest and charges, for which the land shall have been sold.

SEC. 165. Every judgment obtained under either of the two last sections, shall have priority as against the lands of the defendant therein, on which the tax was assessed, and for which such proportionate part ought to have been paid, to all mortgages executed, and all judgments recovered since the time when such taxes were assessed.

SEC. 166. If no person shall redeem such land within two years, at the expiration thereof, and on production of the certificate of pur-



chase, and in case the certificate covers only a part of a tract or lot of land, then accompanied with a survey of such part, made by the county surveyor, the auditor of the county in which the sale of such lands took place, shall execute to the purchaser, his heirs or assigns, in the name of the State, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee simple, subject, however, to all the claims which the State may have thereon for taxes, or other liens or incumbrances.

SEC. 167. When two or more parcels, tracts or lots of land, are sold [for the] non-payment of taxes to the same purchaser or purchasers, or the same person or persons shall in any wise become the owners of the certificates therefor, all of such parcels shall be included in one deed.

SEC. 168. Such conveyance shall be executed by the county auditor, under his hand and seal, and the execution thereof shall be witnessed by the county treasurer, and such deed shall be conclusive evidence of the truth of all the facts therein recited, with the exception of the fact that payment of the taxes for which the lands named therein were sold, had not been made by or on behalf of the proper owner of such lands in due time, and to the proper officer; of which last named fact such deed shall be held as prima facie evidence, and no more; and such deed shall be in the following form as nearly as the nature of the case will admit, namely:

Whereas, A. B. did, on the — day of —, 18—, produce to the undersigned, C. D., auditor of the county of —, in the State of Indiana, a certificate of purchase in writing, bearing date the — day of —, 18—, signed by E. F., who, at the last mentioned date was auditor of said county, from which certificate it appears that the said A. B. did, on the — day of —, 18—, purchase at public auction, at the door of the court house in said county, the tract, parcel or lot of land, lastly in this indenture described, and which lot was sold to — for the sum of — dollars and — cents, being the amount due on the following tracts, or lots of land, returned delinquent in the name of G. H., for the non-payment of taxes, costs and charges, for the years —, namely: [*here set out the lands offered for sale,*] which said lands had been recorded, among other tracts, in the office of said auditor as delinquent for the non-payment of taxes, costs and charges due for the year last aforesaid, and a true copy of said record transmitted to the office of the Auditor of State, in manner and form as prescribed by law, and legal publication made of the sale of said lands on the said — day of —, 18—; and it appearing that the said A. B. is the legal owner of said certificate of purchase, and the time fixed by law for redeeming the land therein described having now expired, and none of the saving clauses of the — section of — applying to this tract or parcel of land, and neither the said G. H., nor any person in his behalf, having paid or tendered the amount due the said A. B., on account of his aforesaid purchase, and for taxes by him since paid, and

the said A. B. having demanded a deed for the tract of land mentioned in said certificate, and which was the least quantity of the tracts above described that would sell for the amount due thereon for taxes, costs and charges as above specified, and it appearing from the records of said county auditor's office, that the aforesaid lands were legally liable for taxation, and had been duly assessed and properly charged on the duplicate with the taxes for the years —;

Therefore, this indenture, made this — day of —, 18—, between the State of Indiana, by C. D., auditor of said county, of the first part, and the said A. B. of the second part, witnesseth: That the said party of the first part, for and in consideration of the premises, has granted, bargained and sold unto the said party of the second part, his heirs and assigns, forever, the tract or parcel of land mentioned in said certificate, and described as follows, namely: [*here set out the particular tract or parcel sold,*] to have and to hold the said last mentioned tract or parcel of land, with the appurtenances thereunto belonging, to the said party of the second part, his heirs and assigns, forever; in as full and ample a manner as the said auditor of said county is empowered by law to sell the same. In testimony whereof, the said C. D., auditor of said county of —, has here unto set his hand and affixed the seal of the board of county commissioners, the day and year last above written. — [Auditor's seal.]

State of Indiana, — county, ss:

Before me, the under-signed, —, in and for said county, this day personally came the above-named C. D., auditor of said county, and acknowledged that he signed and sealed the foregoing deed for the uses and purposes therein mentioned. In witness whereof, I have hereunto set my hand and seal this — day of —, 18—. — [L. s.]

SEC. 169. In case circumstances should exist requiring any variation from the foregoing form in the recital part thereof, the necessary change shall be made by the county auditor executing such deed; and the same shall not be vitiated by any such change, provided the substance be retained.

SEC. 170. In making deeds to purchasers of lands sold for taxes, the county auditor shall not be compelled to include more than five distinct tracts or parcels of land in one deed; and in case two or more deeds be made to the same person, the auditor shall be entitled to demand and receive from such person seventy-five cents for the first deed, and fifty cents for each additional one.

SEC. 171. Whenever the county auditor shall discover, prior to the conveyance of any lands sold for taxes, that the sale was, for any cause whatever, invalid, he shall not convey such lands; but the purchase money and interest thereon, shall be refunded out of the county treasury to the purchaser, his representatives or assigns; on the order of the county auditor; and such land, if originally liable to taxation, and being still delinquent, shall again be placed on the delinquent list, and the amount so refunded, with interest, be collected as in other cases.



SEC. 172. No sale or conveyance of land for taxes shall be valid, if at the time of being listed such land shall not have been liable to taxation; or if liable, the taxes thereon shall have been paid before sale, and in all such cases, the money paid by the purchaser at such void sale, shall be refunded out of the county treasury, on the order of the county auditor.

SEC. 173. If any conveyance for taxes shall prove to be invalid, and ineffectual to convey title for any other cause than those enumerated in the preceding section, the lien which the State has on such lands, shall be transferred to and vested in the grantee, his heirs and assigns, who shall be entitled to recover from the owner of such land the amount of taxes, interest and penalty, legally due thereon at the time of sale, with interest, together with the amount of all subsequent taxes paid, with interest, and such lands shall be bound for the payment thereof.

SEC. 174. The sale of lands for taxes, shall not be invalid on account of such lands having been listed or charged on the duplicate in any other name than that of the rightful owner.

SEC. 175. The county auditors are hereby authorized to make deeds for lands in their respective counties, sold for taxes under any former law, where the same remains yet to be done; and the deeds so made shall be good and valid, as if made by the person authorized under any such former law to make them.

SEC. 176. When conveyances are delivered for lands sold for taxes, the certificates therefor shall be cancelled and filed away by the auditor; and in case of the loss of any certificate, on being fully satisfied thereof by due proof, the auditor may execute and deliver the proper conveyance, and file such proof in his office.

SEC. 177. A register shall be kept by the county auditor, in his office, containing a brief description of the lands by him conveyed on sales for taxes, the name of the person charged therewith, the date of sale, the name of the purchaser, the amount for which sold, the name of the grantee in the deed, and the date of its execution.

SEC. 178. When lands sold for taxes, or any portions thereof, shall be redeemed, the county auditor shall insert a memorandum of such redemption, the quantity or description of the portion redeemed, if not the whole, the date thereof, and by whom made, on his record of sales of land for delinquent taxes, and sign the same officially, and shall likewise give a certificate thereof to the person redeeming.

SEC. 179. In case sales of any land for taxes shall not be perfected for want of bidders, the same shall be considered as forfeited to the State, to be disposed of as the General Assembly shall hereafter by law direct; and until so disposed of or redeemed, shall be continued on the duplicate, charged with all arrearages for which it was so forfeited, and interest; and shall be annually assessed and charged with all accruing taxes, penalties and interest, as other lands.

SEC. 180. Such lands shall be annually offered for sale with, and on the same terms as, other delinquent lands; and until sold for the

amount of all arrearages, may be redeemed on payment of the same into the county treasury, by the owner or owners thereof; and such payments shall be proceeded with, and certified as is provided in this act.

SEC. 181. The records made by the county auditors respecting delinquent lands, the manner of advertisement of sales thereof, the sales made of the same, and the conveyances thereof executed, and all copies of such records, duly certified to be such by the proper county auditor, under his seal of office, shall be received as prima facie evidence of the facts contained therein.

*Regulations concerning the Assessment and Collection of taxes on Individual Stock in the State Bank of Indiana.*

SEC. 182. The capital stock held and fully paid out by individuals, in the State Bank of Indiana, shall be liable to taxation in the manner hereinafter prescribed.

SEC. 183. By the second Monday in November, annually, the board of directors of each branch of said bank, shall cause to be transmitted to the Auditor of State, and filed in his office, a correct statement of the amount of stock owned and paid out in their respective branches, other than that held by the State; such statement to be certified to be correct by the president and cashier of the respective branches.

SEC. 184. Any branch failing to forward and file in the auditor's office the statement aforesaid, at the time required, shall forfeit and pay to the State the sum of two hundred dollars.

SEC. 185. Immediately on receiving such statement, the Auditor of State shall proceed to assess upon each branch the amount of taxes due therefrom, according to the laws upon the subject then in force.

SEC. 186. He shall, within ten days after receiving such statement, notify each branch of the amount so assessed, which notice shall be given by filing the same in the office of the cashier of the State bank. Should any branch fail to transmit the statement above required, the said auditor shall proceed to estimate, from the best sources in his power, the amount of taxable stock in such branch, and shall assess it accordingly, and give the notice required in the preceding section.

SEC. 187. The board of directors in each branch shall cause to be paid to the Treasurer of State, the amount of taxes so assessed, by the second Monday in February, and file the treasurer's receipt therefor with the Auditor of State.

SEC. 188. Any branch failing to pay [as] aforesaid, shall forfeit and pay to the State the sum of five hundred dollars.

SEC. 189. Such taxes shall be paid out of the funds of the respective branch banks, and shall be rateably deducted from the divi-



dends of the stockholders whose stock was taxed, or shall be charged upon such stock, if no dividends be afterwards declared.

SEC. 190. The same penalties and interest shall be charged on the delinquent taxes due from the branches of the State bank as in other cases.

SEC. 191. For the recovery of such taxes, penalties, and interest, the same remedies may be had against any delinquent branch of the State bank as are provided for other cases in this act.

SEC. 192. The Auditor of State shall cause prosecutions to be instituted for the recovery of the penalties aforesaid, and the same when received may be drawn from the State treasury by warrant from the auditor of the proper county.

*Miscellaneous provisions of a General Nature.*

SEC. 193. If any county treasurer, on making settlement with the county auditor, shall stand charged with any tax remaining unpaid, and shall not receive a credit therefor in such settlement, such treasurer may collect such tax for his own use, at any time within one year after such settlement, either by distress and sale as hereinbefore provided, or by action of debt in his own name before any justice of the peace, or court having jurisdiction.

SEC. 194. The Auditor of State shall, from time to time, furnish the several county assessors, auditors, and treasurers, with all such forms and instructions as he may wish them to pursue in the performance of the duties required by this act.

SEC. 195. The Auditor of State shall, from time to time, whenever he shall find it necessary, cause to be printed, at the expense of this State, a sufficient number of copies of this act to furnish one copy to each county assessor, treasurer, auditor and commissioner, within this State, and shall transmit to each county auditor a sufficient number for his county. Every county auditor receiving such copies shall immediately distribute the same to the persons entitled thereto.

SEC. 196. All sales of lands charged with taxes in arrear, for opening and improving roads within this State, shall be conducted in the manner hereinbefore prescribed: and the owners of the lands sold shall be allowed to redeem within the same time, and on the same conditions.

SEC. 197. Every certificate or conveyance executed by the auditor of any county, in pursuance of the provisions of this chapter, may be recorded in the same manner, and with the like effect, as a deed regularly acknowledged or proved before any officer authorized by law to take the proof and acknowledgment of deeds.

SEC. 198. All losses to the State which may be sustained by the default of the assessor, treasurer, or auditor of any county, in the discharge of the duties imposed in this chapter, shall be chargeable on such county, and the board of county commissioners shall add such

losses to the next year's taxes of such county, and cause the same to be paid into the State treasury.

SEC. 199. When the taxes on any real estate shall have been collected of any occupant or tenant, and any other person, by agreement or otherwise, ought to pay such tax, or any part thereof, such occupant or tenant shall be entitled to recover by action, the amount which such person ought to have paid, or to retain the same from any rent due or accruing from him to such person, for the land so taxed.

SEC. 200. If the real or personal property of any person shall be sold for taxes, and shall produce more than the sum chargeable thereon, the residue shall be paid to the person entitled by law to the same; and if any doubt or dispute shall arise as to the person entitled thereto, the same shall be paid into the county treasury, to remain until the rights of the parties shall be determined by due course of law.

SEC. 201. For every entry and transfer of land for taxation, the county auditor shall be paid by the person requesting such transfer, twelve and one-half cents; and for making a deed for any land sold for taxes, one dollar, to be paid by the person receiving such deed.

SEC. 202. The expense of advertising delinquent lands in public newspapers shall be paid out of the county treasury, and the amount charged to the respective tracts advertised accordingly.

## CHAPTER VIII.

### *AN ACT to provide for the election and certain duties of Prosecuting and District Attorneys.*

(APPROVED JUNE 11, 1852.)

#### SECTION

1. Election—in what courts to prosecute.
2. Bond.
3. To prosecute felonies and misdemeanors on information.
4. Their duties enumerated.

#### SECTION

5. Failing to attend, court to appoint deputy, and his allowance.
6. Election and oath of office of district attorney.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, At the general election in the year 1852, and every second year thereafter, there shall be elected in each judicial circuit a prosecuting attorney, who shall prosecute the pleas of the State, in the circuit courts of such circuits; and also, in each court of common*



pleas district, a district attorney, who shall prosecute the pleas of the State in the common pleas and justices' courts of such district.

SEC. 2. Every person elected to the office of prosecuting or district attorney before entering upon the duties of his office shall execute a bond in the penal sum of five thousand dollars, with surety to be approved in case of a prosecuting attorney, by the judge of the circuit, and in case of the district attorney, by the judge of the district, which bond shall be filed in the clerk's office of the county in which such prosecuting or district attorney may reside, and shall be recorded by the clerk thereof, in an order book of the proper court.

SEC. 3. Whenever any prosecuting or district attorney shall receive information of the commission of any felony, or such district attorney of the commission of any misdemeanor, he shall cause process to issue from a court having jurisdiction to issue the same (except the circuit court,) to the proper officer, directing him to subpoena the persons therein named likely to be acquainted with the commission of such felony or misdemeanor, and shall examine any person so subpoenaed before such court, touching such offense; and if the facts thus elicited are sufficient to establish a reasonable presumption of guilt against the party charged, said court shall cause so much of said testimony as amounts to a charge of a felony or misdemeanor, to be reduced to writing, and subscribed and sworn to by such witness, whereupon such court shall cause process to issue for the apprehension of the accused, as in other cases.

SEC. 4. Such prosecuting and district attorneys, within their respective jurisdictions, shall conduct all prosecutions for felonies or misdemeanors, and all suits on forfeited recognizances; resist applications for changing names; protect the interests of all persons of unsound mind, and superintend, on behalf of a county or any of the trust funds, any suit in which the same may be interested or involved, and shall perform all other duties required by law: *Provided*, That in suits before a justice of the peace where the fine cannot exceed three dollars, the district attorney shall not receive a fee, nor in any other case before a justice, except when requested to prosecute the suit by the injured or complaining party.

SEC. 5. If any prosecuting or district attorney fails to attend any court of his circuit or district, as the case may be, the judge of such circuit or district shall appoint some person to prosecute for such term, who shall receive the docket fees of such term, and, if the appointment be made in the circuit court, such additional compensation as the court may deem reasonable, to be drawn from the State treasury on the allowance of the court, and which allowance shall be deducted from the salary of such prosecutor.

SEC. 6. In the election of district attorneys, the vote shall be certified, and the commissions issued in the same manner as is provided by law in the election and commission of judges of the courts of common pleas; and the district attorney, on filing his official bond,

shall take and subscribe an oath to support the Constitution of the United States, and of this State, and for the faithful discharge of the duties of his office, which shall be entered upon the order book of the court.

## CHAPTER IX.

### *AN ACT to repeal special laws in relation to the fees of county auditors.*

(APPROVED JUNE 15, 1852.)

#### SECTION

1. All special laws in relation to fees of county auditors repealed.

#### SECTION

2. Emergency declared.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all special laws in relation to the fees of county auditors be and the same are hereby repealed, and all county auditors shall from the taking effect of this act be entitled to the fees allowed by the general law upon that subject.

SEC. 2. Whereas an emergency exists for the passage of this act, the same shall take effect from and after its passage.

## CHAPTER X.

### *AN ACT authorizing county auditors and their deputies to take acknowledgments of deeds, and administer oaths in certain cases.*

(APPROVED FEBRUARY 20, 1852.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That county auditors and their deputies, shall be author-



ized to take acknowledgments, of mortgages to the school funds, or other trust funds in their respective counties, and to administer all oaths to appraisers of lands when the same shall be necessary in taking said mortgage.

## CHAPTER XI.

*AN ACT to provide for the appointment of a Commissioner to superintend the fencing of the Tippecanoe Battle Ground.*

(APPROVED APRIL 28, 1852.)

### SECTION—

1. Appointment of Commissioner.
2. Commissioner shall survey Battle Ground, make out specifications of fence, etc.

### SECTION—

3. Governor, &c., may make contract for building fence.
4. Duties and compensation of commissioner.
5. Payment of contractor.

WHEREAS, The tenth section of the fifteenth article of the constitution of this State, makes it the duty of the General Assembly, to provide by law for the permanent enclosure and preservation of the Tippecanoe Battle Ground; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Governor, Auditor and Treasurer, are hereby authorized to appoint some suitable person as commissioner, to superintend the erection of a fence around the Tippecanoe battle ground, as hereinafter provided.

SEC. 2. Such commissioner, immediately after his appointment, shall survey said battle ground, and ascertain the length of fence necessary to enclose the same, and with the advice and assistance of the Governor, Auditor and Treasurer of State, shall make out specifications of the length, height and description of said fence, together with the kind of material which shall compose the same, which shall be wood, either post and rail, or plank, of the most durable kind; the fence shall be built in good and substantial manner.

SEC. 3. The Governor, Auditor and Treasurer shall have power to make and complete the contract for the building of said fence.

SEC. 4. The commissioner shall superintend the construction and building of said fence, and see that it is done according to the contract, and for his services, shall receive the sum of two dollars for each day he is actually and necessarily engaged in the performance

of his duties, to be paid out of any money in the State Treasury, not otherwise appropriated, after his account for such services shall have been verified by his oath, and audited by the Auditor of State.

SEC. 5. After said work shall have been completed according to contract, and accepted by said commissioner, he shall certify to the Auditor of State, the amount of money to which said contractor shall be entitled, which sum shall be paid out of any money in the State treasury not otherwise appropriated.

## CHAPTER XII.

*AN ACT to provide for filling vacancies in boards of county commissioners, until the taking effect of the general law upon this subject.*

(APPROVED MAY 31, 1852.)

### SECTION

1. Remaining members of boards of commissioners with clerk of court to fill vacancies.

### SECTION

2. Emergency declared.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever a vacancy shall exist from any cause in the board of county commissioners in the respective counties of this State, it shall be lawful for the remaining member or members or either of them with the clerk of the circuit court of such county, to select some suitable person to fill such vacancy, who shall hold his office until the next general election.

SEC. 2. It is hereby declared that an emergency now exists which requires the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage and shall continue in force until the next general election, at which time said vacancy shall be filled by election.



## CHAPTER XIII.

*AN ACT to authorize the board of county commissioners to take and approve the official bonds of sheriffs, coroners, county recorders, clerks of the circuit court.*

(APPROVED DECEMBER 18, 1851.)

## SECTION

1. Specifying the manner in which official bonds shall be taken and acknowledged.

## SECTION

2. This act declared in force from passage and copies thereof forwarded.

WHEREAS by the adoption of the present constitution of this State the office of associate judge of the circuit court is abolished, by means whereof there is no provision by law for the approval of the official bonds of the officers hereinafter mentioned;

AND WHEREAS, in consequence thereof an emergency exists that this act shall take effect and be in force from and after its passage; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the duties heretofore devolving upon associate judges of the circuit court in the approval of the official bonds of sheriffs, coroners, county recorders, and clerks of the circuit courts, shall hereafter devolve upon and be performed by the board of commissioners of the proper county; and that said board of commissioners, or a majority of the members thereof shall whenever an official bond is required to be approved, meet at the office of the auditor of the county either in term time or in vacation without any precept having been issued for that purpose, and approve the securities thereto if sufficient, which such approval shall be endorsed on said bond and signed by said county commissioners or a majority of them.

SEC. 2. *And be it further enacted,* That every officer who is required to give bond, shall cause his oath of office to be recorded on his bond.

SEC. 3. *And be it further enacted,* that this act shall take effect and be in force from and after its passage, and publication, and the Secretary of State shall immediately forward a copy of the paper containing a copy of this act, to the clerk of the circuit court of each county.

## CHAPTER XIV.

*AN ACT to legalize the election of directors of bridge companies, and the acts of such directors, and fixing a time for holding the election, and prescribing the term of office of such directors.*

(APPROVED MARCH 5, 1852.)

## SECTION

1. Elections of directors of bridge companies legalized.  
2. Acts of such directors made valid.  
3. Election of directors hereafter held on the first Monday in May.

## SECTION

4. Directors shall serve until successors are qualified.  
5. Companies availing themselves of this act shall give notice in newspaper.

WHEREAS, certain bridge companies have not, heretofore, complied with the provisions of their charters, in the election of directors; AND WHEREAS, evil consequences may result from such neglect to comply with their charters as aforesaid; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all elections of directors heretofore made by any bridge company, be, and the same are hereby legalized, and made as valid as if such elections had been made in strict compliance with their charters.

SEC. 2. All the acts done by such directors, in their official capacity, are hereby legalized, and made as valid and effectual, to all intents and purposes, as if said directors had been properly elected.

SEC. 3. That all elections for directors, shall hereafter be held on the first Monday in May, of each year, and it shall be the duty of the acting boards of directors of the several bridge companies, to designate some suitable place for holding such elections.

SEC. 4. The directors shall continue to serve for the term of one year, and until their successors are elected and qualified.

SEC. 5. Every bridge company desirous of availing itself of the provisions of this act, shall first cause the same to be spread at large upon their minute books, and give notice thereof by publication in some weekly newspaper for three weeks successively, in the county where such bridge is located.



## CHAPTER XV.

*AN ACT to regulate the mode of proceeding against canal companies for failing to construct, build, rebuild, repair or supply bridges at such places across such canal as said canal crosses any State or county road or street of a town.*

(APPROVED MAY 6, 1852.)

## SECTION

1. Canal companies to build bridges over their canals, and suit to be brought upon failure.
2. Suit to be brought in name of county commissioners.

## SECTION

3. Proceeds, if any, to be applied to building and repairing such bridges.
4. Companies having failed, suit instituted.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That whenever, by virtue of any law of this State, it shall be the duty of any canal company to construct, build, rebuild or repair any bridge across the canal of such company at any point where such canal crosses any State or county road, or street of a town, or to supply the place of such bridge across the same as may have fallen down or floated away, and it shall become necessary to bring a suit against such company for failing to construct, build, rebuild, repair or supply any such bridge, the suit may be brought in the circuit court of the county in which the bridge should have been constructed, built, rebuilt, repaired or supplied; and the process may be issued against such company, and served upon it in the county in which the president of such company may reside or be found, or in which the officer upon whom it is necessary to serve process, may reside or be found.*

SEC. 2. When the suit is brought against such company for failing to construct, build, rebuild or repair or keep up, or supply the place of a bridge across a State or county road, the suit shall be brought in the name of the board of commissioners of the county in which the road is, where the bridge should have been constructed, built or rebuilt, or kept up in repair; and when the suit is brought for failing to construct, build or rebuild, or repair a bridge at a place where such canal is crossed by the street of a town, such suit shall and may be brought by the corporate authorities of such town, in the corporate name of such town.

SEC. 3. The proceeds of any judgment that may be obtained against such company for failing to construct, build, rebuild, or keep in repair any bridge, shall be applied to the construction, building, rebuilding or repairing of the bridge that the company ought to have constructed, built, rebuilt or repaired.

SEC. 4. If such company has failed to comply with [its] duty as to constructing, building, rebuilding or keeping in repair the bridges

aforesaid, it is hereby made the duty of the several boards of county commissioners and town authorities to cause the proper suit to be instituted.

## CHAPTER XVI.

*AN ACT to provide for the organization of Canal and Water works companies, and for the completion of the unfinished Canals in the State of Indiana.*

(APPROVED JUNE 17, 1852.)

## SECTION

1. Companies who have purchased unfinished canals of State, may proceed to complete the same, or to construction of water works.
2. Said companies shall file articles of association in office of Secretary of State.
3. Such companies to elect directors, and confer such powers as they deem proper.
4. Directors to demand payment of stock, not to exceed five per cent. per month, after personal demand.

## SECTION

5. Right of way granted—paying damages.
6. Separate associations may be organized under certain provisions.
7. Individual liable to an amount equal to stock.
8. Board of directors may direct separation in certain cases.
9. This act not to affect the charters of other water works companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That any and all persons, corporations or associations, who may have purchased from the State of Indiana any of the unfinished canals of the State, or any part of either of them, and their successors and assigns, or any of them, may proceed to the completion of any such canal, in whole or in part, or to the construction of any water works or water ways, in connection therewith, either for navigation or hydraulic purposes, or for the purpose of supplying cities or towns with water, upon complying with the regulations and subject to the restrictions in this act provided. But nothing in this act shall be so construed as to permit any such company to use such hydraulic works, or to take water from the canal for either of the purposes herein designated, unless such company shall first complete and place such canal in good navigable order, from the point of commencement, or from the city of Indianapolis, of the Central canal, to the point where it is proposed to construct hydraulic works, or take water for the supply of cities and towns as aforesaid: *Provided, however, That no association or company which may have succeeded by purchase or otherwise, to the rights or interest of the State in any canal, or the appurtenances thereunto belonging, shall acquire or exercise any of the rights or powers specified in this act, until such association or**



company shall have executed to the State an additional bond, with such penalty and with such securities as may be designated and required by the Governor, Auditor and Treasurer of State, or either of them, to indemnify the State against all liability on account of any leases heretofore granted by the State of the water power connected with such canal, if required so to do by the officers aforesaid, or either of them, and such additional bond shall be required unless the State is already sufficiently indemnified against or on account of such leases.

SEC. 2. Any such persons, corporation or association, or their successors or assigns, desirous of availing themselves of the provisions of this act, may do so by filing a copy of their articles of association in the office of the Secretary of State, containing a statement of the name of such association, the amount of its capital stock, and the number of shares therein, and setting forth fully the objects for which such association is established. Such association shall thereupon be a body corporate and politic, and by its corporate name may sue and be sued; may devise and use a corporate seal, and may receive and hold, for the purposes of its association, any lands and property, and, under its corporate seal, and the attestation of its presiding officer, may execute conveyances of lands, covenants, and powers of attorney, and, also, bonds of a denomination not less than five hundred dollars; and whenever such bonds are negotiated, they may bear such rate of interest as the association may direct, not exceeding the rate of interest allowed by law where the loan is made.

SEC. 3. Such association may elect directors for the management of its affairs, in such manner as they may direct by their articles of association, and may confer upon them such powers in relation to the appointment of officers, and the conduct of the business of the association, as they may see fit: *Provided*, in all elections by such associations, each share of stock shall be entitled to one vote, which may be given in person or by proxy.

SEC. 4. It shall be lawful for the directors to call in and demand from the stockholders, respectively, any instalments of the stock by them subscribed, not exceeding five per cent. per month, under the penalty of forfeiture of the stock subscribed for, together with all previous payments made thereon, if payment shall not be made by the stockholders, within sixty days after personal demand, or notice of such call shall have been published in some newspaper of general circulation in the vicinity of such work.

SEC. 5. Any such association or corporation shall have the right to take possession of and appropriate to their own use or occupation, wholly or in part, for either of the purposes herein specified, sufficient lands for a right of way, upon first making payment or tender of payment therefor, or for the damages occasioned to the owner thereof, in accordance with the requirement of the Constitution of this State; and the value of such property so appropriated, or the damages occasioned to the owners of any such property shall be assessed, awarded and adjudged, and payment or tender of payment therefor made, as

provided in the act entitled "an act to provide for the incorporation of railroad companies," approved May 11th, 1852; and the proper courts shall have the same jurisdiction and powers, and shall cause the same proceedings to be had in every such case; and the associations herein provided for, shall, in all such cases, acquire all such rights in relation to the use, occupation and ownership of lands, rights of way for their uses and purposes, as are provided in the said act, in regard to associations organized for the construction of railroads, so far as the provisions of the said act can be made applicable to the purposes of this act.

SEC. 6. Any existing corporation, organized for any two or more of the purposes contemplated in this act, may reorganize into separate associations, so that each shall embrace one or more of such objects; and they may make such increase in their capital stock, and such modifications of the purposes of their organization, within the purview, and subject to the general provisions of this act, as the stockholders may direct.

SEC. 7. The stockholders of any association formed under the provisions of this act, shall be individually liable for all the liabilities of such association to an amount equal to their respective shares in such association.

SEC. 8. In the construction of any of the unfinished canals of this State, it shall be lawful for the board of directors of such company to direct the separation of the water works, or manufacturing privileges, from the navigation purposes of the same, and to make such disposition of such parts thereof, as the board of directors may deem best for the interest of the company: *Provided*, said disposition does not injure or impair the rights and franchises of any other company.

SEC. 9. Nothing in this act shall be so construed as to affect, in any manner, the charter of any water works company heretofore granted.



## CHAPTER XVII.

*AN ACT amendatory of the Charter of the town of Clarksville in Clark and Floyd counties.*

(APPROVED JUNE 17, 1852.)

## SECTION

1. The number of trustees and manner of appointment.
2. Trustees to take official oath, which shall be endorsed and recorded.
3. Trustees when so qualified invested with certain powers, and the manner of exercising said powers.
4. Duties of officers and agents to be prescribed by trustees.
5. Trustees to demand of late trustees the surrender of books and papers of corporation.
6. Funds appropriated to support of common schools.

## SECTION

7. Site for school house to be selected, and the same to be erected.
8. Surplus of funds by petition of majority may be applied to improving streets, &c.
9. Certain persons declared trustees until others are elected and qualified.
10. President of board of trustees how appointed.
11. Trustees to keep record of their proceedings.
12. Trustees to make annual report.
13. Vacancy in board may be filled.
14. Act in force after publication in certain newspapers.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the number of trustees for said town, shall be hereafter limited to three, to be elected in the manner following, to-wit: One to be appointed by the board doing county business for the county of Clark, who shall be a resident of said county; one to be appointed by the board doing county business for the county of Floyd, to reside within said last named county; and the third to be elected by the qualified voters residing within the bounds of said town of Clarksville, who shall be a householder and resident voter within the same, who shall severally continue in office for one year after their election, and until successors are duly elected and qualified, which election shall be made annually on the first Monday in September.

SEC. 2. The said trustees after having received respectively, a certificate of their appointment or election from the proper officer, shall before entering upon the duties assigned them, take an oath for the faithful discharge of the same, which oath shall be endorsed by the officer administering the same upon such certificate, which, together with the oath so endorsed, such trustees shall forthwith cause to be recorded in the recorder's offices of the said counties of Clark and Floyd.

SEC. 3. The said trustees when so qualified, shall be vested with all the powers and perform all the duties incident to said office of trustee, heretofore possessed and performed by their predecessors, together with such other powers and duties as may be prescribed by law. They shall appoint a secretary, treasurer, marshal, with such other officers and agents as may become necessary for the transaction of their business. They may also adopt such by-laws as may

be found requisite for the good government and regulation of said corporation, not inconsistent with the constitution and laws of this State or the United States; but before any such by-law shall take effect, said trustees shall cause the same to be published in some public newspaper of general circulation published in or nearest to said town.

SEC. 4. The said trustees shall have full power to prescribe the duties to be performed by the several officers and agents so to be appointed by them, and to allow to each of them such compensation for their services as may be reasonable, to be paid out of the funds of the said corporation, in such way as may be prescribed by the by-laws of said corporation.

SEC. 5. So soon as the said board shall be organized and qualified, the said trustees shall forthwith call upon the late trustees and officers of said corporation, and demand of them the surrender up to said new trustees of all the books, papers and property of every description in their possession belonging to said corporation; and if not surrendered on demand they are hereby vested with all the necessary authority to compel the same by due process of law.

SEC. 6. The funds of said corporation, after what may be necessary for the ordinary business of the same, are hereby appropriated permanently for the maintenance and support of a common school, in which the ordinary branches of education shall be taught; to be located at such eligible site within the limits of said town of Clarksville, or within one-half mile therefrom, as may be selected by the said trustees.

SEC. 7. So soon as the same may become practicable, after a sufficiency of funds shall have been received by said trustees for the purpose, they shall proceed to select such site for a school house, at which they shall cause to be erected, one of such convenient size and description as may be deemed calculated for the purpose; and after the establishment of such school, it shall be subject to such necessary regulations as may be prescribed by the laws of this State in the general laws, for the government of common schools: *Provided however*, That this shall not be so construed as to authorize the application of any portion of the funds of said corporation to any other school, or for any other purpose whatever, except as herein prescribed.

SEC. 8. If there should remain a surplus of the funds of said corporation, after meeting the current expenses of the same and the establishment and support of such school, it shall be the duty of said trustees, upon the petition of a majority of the voters resident within such corporation for the purpose, to apply the same towards improving the streets and roads in said town, sinking and improving wells, together with such other public purposes as may be deemed necessary for the convenience and accommodation of the citizens thereof.



SEC. 9. Until the first election, to be held on the first Monday in September next, James G. Read and Samuel H. Patterson of the county of Clark, and Alexander S. Burnett of the county of Floyd, are hereby appointed trustees of said town, to serve as such until said first Monday in September and until successors are elected and qualified as hereinbefore provided, who are hereby vested with all the powers, and shall perform all the duties, conferred on and required of the regular trustees.

SEC. 10. Said trustees shall appoint one of their body as president of said board, who shall preside at all meetings thereof, and shall sign officially, all proceedings of the same, and be countersigned by the secretary.

SEC. 11. The said board shall keep a book in which they shall cause all their official proceedings to be recorded; and no act of said board shall be held valid unless they are all present and acting in regular session.

SEC. 12. Said board shall annually, on the first Monday in September, make report of all their proceedings to the boards doing county business, respectively, for said counties of Clark and Floyd, showing the state of the funds of said corporation, with a list of the expenditures thereof for the preceding year and for what purposes the same was expended which shall be subject to the approval or disapproval of said boards respectively.

SEC. 13. If any vacancy should occur at any time in said board, from any cause whatever, the remaining trustee or trustees may fill such vacancy or vacancies, by the appointment of others to serve until the next regular election.

SEC. 14. This act shall be in force from and after its publication in the Indiana Statesman, published at Indianapolis, and the New Albany Ledger, published at New Albany, and the Spirit of Progress, published at Jeffersonville.

## CHAPTER XVIII.

*AN ACT to quiet the title to lands granted for the purpose of county seats, and to legalize the sales of any such lands or any part thereof.*

(APPROVED JUNE 15, 1852.)

SECTION 1. Lands conveyed to county commissioners for county seats shall be deemed valid.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That in all cases where lands have been heretofore granted to any county in this State, for the purpose of a county seat, and the conveyance thereof has been made to the county commissioners of any county instead of the county agent, such conveyance shall be deemed as valid as if the same had been made to such county agent, and all sales made of any such land, or any part thereof are hereby legalized and confirmed.*

## CHAPTER XIX.

*AN ACT to provide for the appointment of Commissioners to revise and simplify the practice and pleadings of courts of justice.*

(APPROVED JANUARY 5, 1852.)

## SECTION

1. Election of commissioners, and their duties.
2. Vacancy—how filled.
3. Term of office of commissioners.
4. Commission and compensation.

## SECTION

5. Secretary shall provide room, stationery, &c., for commissioners, who may employ a clerk.
6. Emergency declared.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That there shall be elected by the General Assembly, three commissioners, whose duty it shall be,*

*First.* To revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice.

*Second.* To provide for abolishing the distinct forms of action now in use, and that justice be administered in a uniform mode of pleading, without distinction between law and equity; and



*Third.* To report to the present General Assembly the result of their labors at the earliest practicable period.

SEC. 2. The General Assembly shall, by election, fill any vacancy that may occur during the session thereof, in the office of said commissioners.

SEC. 3. Said commissioners shall hold their office for any term of time necessary effectually to fulfill their duties, not beyond the adjournment of the present General Assembly.

SEC. 4. They shall be commissioned by the Governor, and shall each receive, as compensation for his services, five dollars per day while actually engaged in the duties of the commission, payable monthly.

SEC. 5. Said commissioners shall be provided by the Secretary of State, at the expense of the State, with a convenient room in Indianapolis, together with necessary fuel, lights, stationery, and such recent publications bearing on the subject of law reform, not exceeding in cost fifty dollars, as may be required. They may employ a clerk, when necessary, at a salary not exceeding three dollars per day.

SEC. 6. It being deemed essential that the said commissioners should enter forthwith on the discharge of their duties, it is hereby declared that the emergency justifies the provision hereby enacted, that this act shall be in force from and after its passage.

## CHAPTER XX.

*AN ACT districting the State for the purpose of electing four judges of the Supreme court.*

(APPROVED FEBRUARY 19, 1852.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of electing four judges of the supreme court of this State, the counties of Steuben, LaGrange, Elkhart, St. Joseph, Laporte, Porter, Lake, Starke, Marshall, Kosciusko, Noble, De Kalb, Allen, Whitley, Fulton, Pulaski, Jasper, Benton, White, Cass, Wabash, Huntington, Wells, Adams, Jay, Randolph, Grant, Blackford, Howard, Carroll, and Miami, shall constitute the first district.

[SEC. 2.] The counties of Delaware, Henry, Wayne, Rush, Fayette, Union, Decatur, Franklin, Jennings, Ripley, Dearborn, Ohio, Switzerland, Jefferson, Scott, Clark, and Bartholomew, shall constitute the second district.

[SEC. 3.] The counties of Clinton, Tipton, Boone, Hamilton, Hendricks, Marion, Hancock, Johnson, Shelby, Brown, Floyd, Lawrence, Jackson, Orange, Washington, Crawford, Harrison, Morgan, Monroe, Madison, and Perry, shall constitute the third district.

[SEC. 4.] The counties of Tippecanoe, Fountain, Warren, Parke, Putnam, Montgomery, Vigo, Clay, Vermillion, Sullivan, Greene, Owen, Dubois, Daviess, Knox, Gibson, Pike, Martin, Vanderburgh, Warrick, Posey, and Spencer, shall constitute the fourth district; and that said districts shall be and remain as herein established until changed by law.

## CHAPTER XXI.

*AN ACT districting the State for judicial circuits.*

(APPROVED JUNE 17, 1852.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the counties of Ripley, Jennings, Jefferson, Switzerland, Ohio, Brown and Bartholomew, shall constitute the first circuit.

SEC. 2. The counties of Lawrence, Jackson, Orange, Washington, Scott, Clark, Floyd, Harrison and Crawford, shall constitute the second circuit.

SEC. 3. The counties of Knox, Daviess, Martin, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, Spencer, and Perry, shall constitute the third circuit.

SEC. 4. The counties of Dearborn, Franklin, Decatur, Shelby, Rush, Fayette and Union shall constitute the fourth circuit.

SEC. 5. The counties of Johnson, Hendricks, Marion, Hancock, Hamilton, Tipton and Madison, shall constitute the fifth circuit.

SEC. 6. The counties of Sullivan, Greene, Monroe, Owen, Clay, Vigo, Putnam and Morgan, shall constitute the sixth circuit.

SEC. 7. The counties of Wayne, Henry, Randolph, Delaware, Jay, Blackford and Grant, shall constitute the seventh circuit.

SEC. 8. The counties of Parke, Vermillion, Montgomery, Boone, Fountain, Warren, Benton, Tippecanoe, Clinton and Jasper, shall constitute the 8th circuit.

SEC. 9. The counties of Lake, Laporte, Porter, St. Joseph, Marshall, Starke, Fulton, White, Cass, Pulaski, Howard, Carroll and Miami, shall constitute the ninth circuit.

SEC. 10. The counties of Adams, Wells, Huntington, Wabash, Whitley, Allen, Noble, Dekalb, Lagrange, Steuben, Elkhart, and Kosciusko, shall constitute the tenth circuit.



## CHAPTER XXII.

*AN ACT fixing the time of holding Circuit Courts in the several counties of this State.*

(APPROVED JUNE 18, 1852.)

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the several circuit courts of this State shall hereafter be held as follows, to-wit:

*First Circuit.*—In the county of Ohio, on the second Mondays of February and August, in each year; in the county of Ripley, on Monday succeeding the courts in the county of Ohio; in the county of Jennings, on Monday succeeding the courts in the county of Ripley; in the county of Jefferson, on Monday succeeding the courts in the county of Jennings; in the county of Bartholomew, on Mondays succeeding the courts in the county of Jefferson; in the county of Switzerland, on Monday succeeding the courts in the county of Bartholomew; in the county of Brown, on Monday succeeding the courts in the county of Switzerland. The said courts, if the business so require it, shall sit in the following counties of Ohio, Ripley, Bartholomew and Switzerland, two weeks each; Jennings, one week at the spring term, and two [weeks] at the fall term, and Brown one week, and Jefferson four weeks each term.

*Second Circuit.*—In the county of Scott, on the third Mondays in February and August; in the county of Jackson, on the fourth Mondays in February and August; in the county of Washington, on the first Mondays in March and September; in the county of Lawrence, on the third Mondays in March and September; in the county of Orange, on the first Mondays in April and October; in the county of Crawford, on the second Mondays of April and October; in the county of Harrison, on the third Mondays in April and October; in the county of Floyd, on the fourth Mondays of April and October; and in the county of Clark, on the second Mondays in May and November. In the counties of Scott, Jackson, Washington, Orange, Crawford and Harrison, the courts may sit one week each; in the counties of Clark and Lawrence, two weeks each, and in the county of Floyd, three weeks at each term, if the business thereof requires it.

*Third Circuit.*—In the county of Dubois, on the second Mondays of February and August, in each year; in the county of Martin, on Monday succeeding the courts in the county of Dubois; in the county of Daviess, on Monday succeeding the courts in the county of Martin; in the county of Pike, on Monday succeeding the courts in the county of Daviess; in the county of Knox, on Monday succeeding the courts in the county of Pike; in the county of Gibson, on Monday

succeeding the courts in the county of Knox; in the county of Posey, on Monday succeeding the courts in the county of Gibson; in the county of Vanderburgh, on Monday succeeding the courts in the county of Posey; in the county of Warrick, on Monday succeeding the courts in the county of Vanderburgh; in the county of Spencer, on Monday succeeding the courts in the county of Warrick; in the county of Perry, on Monday succeeding the courts in the county of Spencer. The said courts shall, if the business so require it, sit in the counties of Dubois, Martin, Daviess, Pike, Gibson, Warrick, Spencer and Perry, one week each; Knox and Posey two weeks each, and Vanderburgh three weeks each term.

*Fourth Circuit.*—In the county of Franklin, on the first Mondays of February and August, in each year; in the county of Union, on the Monday succeeding the courts in the county of Franklin; in the county of Fayette, on Monday succeeding the courts in the county of Union; in the county of Rush, on Monday succeeding the courts in the county of Fayette; in the county of Shelby, on Monday succeeding the courts in the county of Rush; in the county of Decatur, on Monday succeeding the courts in the county of Shelby; and in Dearborn, on Monday succeeding the courts in the county of Decatur. The said courts, if the business thereof require it, shall sit in the counties of Union, Fayette, Rush, Shelby and Decatur, two weeks each, and in Dearborn four weeks each term, and Franklin three weeks each.

*Fifth Circuit.*—In the county of Hancock, on the second Mondays in February and August, in each year; in the county of Madison, on Monday succeeding the courts in the county of Hancock; in the county of Hendricks, on Monday succeeding the courts in the county of Madison; in the county of Johnson, on Monday succeeding the courts in the county of Hendricks; in the county of Tipton, on Mondays succeeding the courts in the county of Johnson; in the county of Hamilton, on Monday succeeding the courts in the county of Tipton; in the county of Marion, on Monday succeeding the courts in the county of Hamilton. The said courts, if the business thereof require it, shall sit in the counties of Hancock, Madison, Hendricks, Johnson and Hamilton, two weeks each; in Tipton, one week, and Marion, as long as the business thereof requires it.

*Sixth Circuit.*—In the county of Sullivan, on the last Mondays of February and August, of each year; in the county of Vigo, on Monday succeeding the courts in the county of Sullivan; in the county of Clay, on the Monday succeeding the courts in the county of Vigo; in the county of Putnam, on Monday succeeding the courts in the county of Clay; in the county of Greene, on Monday succeeding the courts in the county of Putnam; in the county of Monroe, on Monday succeeding the courts in the county of Greene; in the county of Morgan, on Monday succeeding the courts in the county of Monroe; in the county of Owen, on Monday succeeding the courts in the county of Morgan. The said courts, if the business so require it,



shall sit in the counties of Sullivan and Clay, one week each; the counties of Putnam, Greene, Monroe, Morgan and Owen, two weeks each, and the county of Vigo to three weeks each term.

*Seventh Circuit.*—In the county of Wayne, on the second Mondays of February and August, in each year; in the county of Henry, on Mondays succeeding the courts in the county of Wayne; in the county of Delaware, on Mondays succeeding the courts in the county of Henry; in the county of Randolph, on Mondays succeeding the courts in the county of Delaware; in the county of Jay, on Mondays succeeding the courts in the county of Randolph; in the county of Blackford, on Mondays succeeding the courts in the county of Jay; in the county of Grant, on the Mondays succeeding the courts in the county of Blackford. The said courts, if the business thereof so require it, shall sit in the counties of Henry, Delaware, Randolph, Jay and Grant, two weeks; in Blackford, one week, and Wayne county, three weeks each term.

*Eighth Circuit.*—In the county of Clinton, on the first Mondays in February and August, of each year; in the county of Tippecanoe, on Mondays succeeding the courts in the county of Clinton; in the county of Boone, on Mondays succeeding the courts in the county of Tippecanoe; in the county of Montgomery, on Mondays succeeding the courts in the county of Boone; in the county of Warren, on Mondays succeeding the courts in the county of Montgomery; in the county of Fountain, on Mondays succeeding the courts in the county of Warren; in the county of Parke, on Mondays succeeding the courts in the county of Fountain; in the county of Vermillion, on Mondays succeeding the courts in the county of Parke; in the county of Benton, on Mondays succeeding the courts in the county of Vermillion; in the county of Jasper, on Mondays succeeding the courts in the county of Benton. The said courts, if the business thereof require it, shall sit in the counties of Boone, Montgomery, Parke, Fountain and Clinton, two weeks each; in the county of Tippecanoe, three weeks, and in the county of Vermillion, one week; in the county of Warren, two weeks; in the counties of Benton and Jasper, one week each.

*Ninth Circuit.*—In the county of Carroll, on the second Mondays of February and August, in each year; in the county of Cass, on Mondays succeeding the courts in the county of Carroll; in the county of Howard, on Mondays succeeding the courts in the county of Cass; in the county of Miami, on Mondays succeeding the courts in the county of Howard; in the county of Fulton, on Mondays succeeding the courts in the county of Miami; in the county of Marshall, on Mondays succeeding the courts in the county of Fulton; in the county of St. Joseph, on Mondays succeeding the courts in the county of Marshall; in the county of Laporte, on Mondays succeeding the courts in the county of St. Joseph; in the county of Porter, on Mondays succeeding the courts in the county of Laporte; in the county of Lake, on Mondays succeeding the courts in the county of Porter;

in the county of Starke, on Mondays succeeding the courts in the county of Lake; in the county of Pulaski, on Mondays succeeding the courts in the county of Starke; in the county of White, on Mondays succeeding the courts in the county of Pulaski. The said courts, if the business thereof so require it, shall sit in the county of White two weeks; in the counties of Pulaski, Starke, Lake, Porter, Marshall, Fulton and Howard, one week each; in the counties of Carroll and St. Joseph, two weeks each, and in the counties of Cass, Miami and Laporte, three weeks each, in each term.

*Tenth Circuit.*—In the county of Allen, on the first Mondays of February and August, in each year; in the county of Adams, on Mondays succeeding the courts in the county of Allen; in the county of Wells, on Mondays succeeding the courts in the county of Adams; in the county of Huntington, on Mondays succeeding the courts in the county of Wells; in the county of Whitley, on Mondays succeeding the courts in the county of Huntington; in the county of Noble, on Mondays succeeding the courts in the county of Whitley; in the county of Lagrange, on Mondays succeeding the courts in the county of Noble; in the county of Elkhart, on Mondays succeeding the courts in the county of Lagrange; in the county of Kosciusko, on Mondays succeeding the courts in the county of Elkhart; in the county of Wabash, on Mondays succeeding the courts in the county of Kosciusko; in the county of De Kalb, on Mondays succeeding the courts in the county of Wabash; in the county of Steuben, on Mondays succeeding the courts in the county of De Kalb. The said courts, if the business thereof so require it, shall sit in the following counties of Adams, Wells, Huntington, Whitley, Noble, Steuben, and De Kalb, one week each; in Wabash, Kosciusko, Elkhart and Lagrange, two weeks each, and in Allen, three weeks each term.

## CHAPTER XXIII.

### AN ACT to change the time of holding Circuit Courts in the eighth Judicial Circuit.

(APPROVED JANUARY 26, 1852.)

#### SECTION

1. Fixing time of holding courts in 8th circuit.
2. Process returnable to time prescribed by this act.

#### SECTION

3. Act in force from time of publication in certain newspapers.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the circuit courts in the eighth judicial circuit, shall be held as follows, to-wit:



The courts in the county of Carroll, shall commence on the fourth Mondays in February and August; in the county of Miami, on the Mondays succeeding the courts in the county of Carroll; in the county of Wabash, on the Mondays succeeding the courts in the county of Miami; in the county of Fulton, on the Mondays succeeding the courts in the county of Wabash; in the county of Pulaski, on the Mondays succeeding the courts in the county of Fulton; in the county of Jasper, on the Mondays succeeding the courts in the county of Pulaski; in the county of White, on the Mondays succeeding the courts in the county of Jasper; in the county of Cass, on the Mondays succeeding the courts in the county of White; in the county of Howard, on the Mondays succeeding the courts in the county of Cass. And such courts, in the counties of Carroll, Cass and Miami, shall hold two weeks each term, if the business require it; in the county of Wabash, three weeks, if the business require it, and in each of said other counties one week each term, if the business require it.

SEC. 2. All process made returnable to any of the courts of the respective counties aforesaid, at the times heretofore fixed for holding the sessions thereof, shall be and the same are hereby declared and made returnable to the first days of the terms of said courts respectively, as fixed by this act; and all parties, officers, witnesses, and all persons, are hereby respectively required to take notice of the changes of the time of holding said several courts, as herein made.

SEC. 3. This act to be in force from and after its publication in the State Sentinel, State Journal, and Statesman; and it is hereby made the duty of the Secretary of State to forward a copy of this act to each of the clerks of the said courts respectively.

SEC. 4. All acts contravening the provisions of this act, are hereby repealed.

#### CHAPTER XXIV.

*AN ACT to create a special term of the Tippecanoe circuit court.*

(APPROVED MAY 11, 1852.)

##### SECTION

1. Special term created.
2. Duty of Secretary of State.

##### SECTION

3. Emergency declared.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That there be, and hereby is created a special term of the*

Tippecanoe circuit court, to commence on the second Monday in July next, and continue four weeks, if the business so long require it.

SEC. 2. It is hereby made the duty of the Secretary State to transmit a certified copy of this act to the clerk of the Tippecanoe circuit court.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that it shall take effect, and be in force from and after its passage.

#### CHAPTER XXV.

*AN ACT to postpone the day of the beginning of the Dearborn circuit court, for the February term, 1852.*

(APPROVED FEBRUARY 7, 1852.)

##### SECTION

1. Term of Dearborn circuit court postponed.
2. That term shall be holden as herein provided after next term.

##### SECTION

3. Process returnable as required by this act.
4. Emergency declared, act to be published in certain newspaper.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the February term of the Dearborn circuit court for the year 1852, instead of beginning on the 4th Monday of February 1852, shall begin on the first Monday of March 1852, and continue in session three weeks if the business of the court shall require it.*

SEC. 2. That after said February term 1852, the circuit court of said county shall be holden as required by the law in force before the passage of this act.

SEC. 3. That all process made returnable to the said February term, 1852, of said Dearborn circuit court as heretofore fixed by law shall be and the same are hereby declared and made returnable to the first day of the next term of said court as fixed by this act, and all parties, officers, witnesses and all persons are hereby respectively required to take notice of this change.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore this act shall be in force from and after its passage and publication in the Democratic Register, Lawrenceburgh, Indiana, and it is hereby made the duty of the Secretary of State to forward a copy of the same immediately after its passage, to the publisher of said paper.



## CHAPTER XXVI.

*AN ACT to change the time of holding circuit courts in Jennings county.*

(APPROVED JUNE 8, 1852.)

## SECTION

1. Circuit court of Jennings to commence first Monday in September.
2. Process returnable at the time specified in this act.

## SECTION

3. Same proceedings had as if no change.
4. Emergency declared—act to be published in certain newspapers.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the fall or second term of the circuit court in the county of Jennings, shall commence on the first Monday in September, and continue one week if the business thereof require it.

SEC. 2. All writs, subpoenas, venires, rules, orders of court, recognizances, publications, and processes whatever, which may have issued from said circuit court in said county since the last session thereof, or which may hereafter issue previous to the commencement of said term, shall be deemed and taken to be, and are hereby made returnable to the first day of the first term of said court, to be holden in virtue of this act.

SEC. 3. All suits, actions, and other proceedings now pending, or which may hereafter be pending in said court shall be taken up and acted upon at the time for the holding thereof, and be disposed of in the same manner as if no alteration had been made of the time of holding said court.

SEC. 4. That as an emergency exists this act shall be in force from and after its passage and publication in the State Sentinel and Journal.

SEC. 5. The Secretary of State is hereby directed to forward, immediately, to the clerk of said county, a copy of this act.

## CHAPTER XXVII.

*AN ACT to attach the county of Boone to the first judicial circuit.*

(APPROVED MARCH 4, 1852.)

## SECTION

1. Boone attached to first judicial circuit—time of holding term.
2. All process made returnable to time fixed by this act.

## SECTION

3. Emergency declared—act in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county of Boone is hereby detached from the fifth judicial circuit, and attached to the first judicial circuit for judicial purposes; and that the circuit courts for said county of Boone, from and after the passage of this act, shall commence on the fourth Mondays in May and November, of each year, and shall continue twelve days at each term if the business thereof require it.

SEC. 2. All process made returnable to said court at the time heretofore fixed for holding the sessions thereof, are hereby made returnable on the first day of the term as fixed by this act, and all parties, officers, witnesses, and all other persons are required to take notice of said change as herein made.

SEC. 3. *And be it further enacted,* That the great and increasing amount of business in the said fifth judicial circuit rendering it probable that the judge thereof will be unable to attend and hold a court for said county of Boone, at the time now fixed by law, is such an emergency as to require the immediate taking effect of this act, it is therefore declared that this act shall take effect and be in force from and after its passage.

SEC. 4. This act shall be published in the State Sentinel and Journal, and it is hereby made the duty of the Secretary of State to transmit a copy hereof to the clerk of the circuit court for said county of Boone.



## CHAPTER XXX.

*AN ACT supplemental to an act, entitled "an act to create a special term of the Tippecanoe circuit court."*

(APPROVED JUNE 10, 1852.)

## SECTION

1. Regular term declared, and parties required to appear.
2. Relating to docketing of suits, return of process, and appearance of parties.

## SECTION

3. Selecting grand and petit jurors.
4. Emergency declared.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the special term of the Tippecanoe circuit court to be held on the second Monday in July, 1852, shall be, to all intents and purposes, a regular term of said court, for the trial of all the civil and criminal causes now on the docket of said court, for the trial of all recognizances, and all other business whatever pending therein; and that all causes, civil and criminal, and all recognizances shall stand for trial at the special term aforesaid; and that all defendants be required to appear without any further notice.

SEC. 2. All suits commenced after the passage of this act, and ten days previous to such special term, shall be placed by the clerk on the docket of such special term, and that all writs issued in such causes be made returnable to such special term, and all process heretofore issued and made returnable to the August term of said court, shall be returned by the sheriff to the July term of said court, and the parties are required to attend at the July term without any further notice.

SEC. 3. The board of commissioners of the county aforesaid, shall at their next (June) session, select grand and petit jurors, and the clerk of the circuit court of the county aforesaid, shall issue a *venire facias* for, and the sheriff shall summon as in other cases, the grand and petit jurors so selected.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that it shall take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to transmit to said clerk a copy of this act, duly authenticated under the seal of the State.

## CHAPTER XXXI.

*AN ACT to regulate the times of holding courts in the 12th judicial circuit.*

(APPROVED JUNE 17, 1852.)

## SECTION

1. Time of holding court in the several counties.

## SECTION

2. When to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the fall term of the courts in the twelfth judicial circuit shall hereafter be held as follows; in the county of Allen on the second Monday in October, and shall continue three weeks if the business thereof require it; in the county of Adams on the first Tuesday after the last Monday but one in August, and shall continue five days if the business thereof require it; in the county of Wells on the last Monday in August; in the county of Huntington on the first Monday in September; in the county of Whitley on the second Monday in September; in the county of Noble on the third Monday in September; in the county of Lagrange on the fourth Monday in September; in the county of Steuben on the Monday succeeding the courts in the county of Lagrange; in the county of De Kalb on the Monday succeeding the courts in the county of Allen; in each of the counties of Wells, Huntington, Whitley, Noble, Steuben and DeKalb, the courts shall be held one week if the business thereof require it; and in the county of Lagrange the courts shall be held two weeks if the business require it.

SEC. 2. This act to take effect and be in force from and after its enactment and publication.



## CHAPTER XXXII.

*AN ACT to abolish the Tippecanoe Court of Common Pleas, to provide for the trial of causes pending therein, and to regulate all proceedings in reference to the records, judgments, orders and decrees thereof.*

(APPROVED JANUARY 3, 1852.)\*

## SECTION

1. Tippecanoe court of common pleas abolished.
2. Causes pending in said court transferred to docket of circuit court.
3. Not necessary to give notice of such transfer.
4. Circuit court shall proceed to final judgment in such transferred cases.
5. All process returnable to next term of said circuit court.
6. Appeals taken and writs of error prosecuted as if originally brought in circuit court.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the act entitled "an act creating the Tippecanoe court of common pleas, and defining its jurisdiction," approved January 18th, 1848, and the act amendatory thereto, entitled "an act to amend an act entitled "an act creating the Tippecanoe court of common pleas, and defining its jurisdiction," approved January 18th, 1848, be and the same are hereby repealed.*

SEC. 2. That all causes now pending in said Tippecanoe court of common pleas, shall be immediately transferred to the docket of the Tippecanoe circuit court, by the clerk thereof, and be placed on the docket of said circuit court in the order to which they would be entitled had such causes been originally commenced in said circuit court, or taken there by appeal.

SEC. 3. It shall not be necessary for any party in any such cause to give notice to the adverse party of any such transfer; but all parties, their agents, attorneys and witnesses, shall be bound by such transfer, and take notice thereof by this act.

SEC. 4. In all causes transferred as aforesaid, the pleadings or proceedings necessary to final order, decree or judgment, shall be the same in every respect as though such cause were originally pending in said circuit court; and all process, mesne or final, or subpœnas in the hands of any officer heretofore issued out of said court of common pleas, shall be returned to said circuit court, as though originally issued from said circuit court.

SEC. 5. That all process of said court of common pleas, returnable at the next term thereof, is hereby made returnable at the next term of the said circuit court; and all process requiring parties or witnesses to appear at the next term of the said court of common

## SECTION

7. Causes pending in supreme court from court of common pleas, shall proceed as though taken from circuit court.
8. Judgments, decrees, &c., shall be taken as part of records and proceedings of circuit court.
9. Emergency declared.
10. Secretary of State to transmit copy of act.

pleas, shall, when properly served, require such parties or witnesses, without further notice, to appear at the next term of said circuit court.

SEC. 6. That all process on judgments, orders or decrees of said court of common pleas, shall hereafter be issued under the seal of the said circuit court, by the clerk thereof, and shall be executed and returned by the sheriff or other officer, as if issued on judgments, orders or decrees of said circuit court; and appeals may be taken, or writs of error prosecuted upon any interlocutory or final order, judgment or decree of said court of common pleas, or in any of the causes transferred by virtue of this act, in the same manner as though such order, judgment or decree had been rendered in a cause originally brought in said circuit court.

SEC. 7. All causes now pending in the supreme court from said court of common pleas, on appeal, or by writ of error, shall, on being returned from said supreme court, be docketed in said circuit court, and all subsequent proceedings there shall be the same as though such causes had been taken from said circuit court to said supreme court.

SEC. 8. The records, papers and proceedings of said court of common pleas, and all orders, judgments and decrees of every nature and description, heretofore rendered therein, shall be taken as a part of the records and proceedings of said circuit court, and shall be and forever remain valid, firm and effectual, and all rights, interests and liens created or secured by any order, judgment, decree or proceeding of said court of common pleas, shall be and remain valid and binding between the parties, and have the same force and effect as though this act had not been passed, unless reversed or abrogated by due course of law; and the clerk of said circuit court, in certifying any order, judgment, decree, record or proceeding, or transcript thereof, in said court of common pleas, for any purpose whatsoever, shall certify the same under the seal, and as clerk of said circuit court.

SEC. 9. As the immediate taking effect of this is necessary to the protection and preservation of the rights of parties having causes determined or pending in said court of common pleas, it is hereby declared that this is a case of emergency, and that this act shall be in force from and after its passage.

SEC. 10. It is hereby made the duty of the Secretary of State to transmit to the clerk of the Tippecanoe circuit court a certified copy of this act.



## CHAPTER XXXIII.

*AN ACT to abolish the Marion court of common pleas, and to transfer its proceeding and records to the Marion circuit court, and providing for the compensation of the judge of said court.*

(APPROVED JANUARY 12, 1852.)

## SECTION

1. Court abolished.
2. Causes, dockets, &c. transferred to Marion circuit court.
3. Process shall be returned to Marion circuit court.
4. When certain causes shall stand for trial.
5. No liens impaired.

## SECTION

6. Certain act repealed.
7. Judgments &c. shall be prosecuted in the Marion circuit court.
8. Rights of the judge of the Marion court of common pleas.
9. Emergency declared.

WHEREAS, the Marion court of common pleas differs from the general system of courts in the State of Indiana, and it is proper that a uniform system of courts should exist in conformity to the constitution, that the rights of parties should not be delayed or hazarded in consequence of any question that might arise involving the constitutionality of said court, and that the causes now pending in said court should be formally transferred to the Marion circuit court;

AND WHEREAS, two courts for the trial of civil causes create an unnecessary expense to the county as well as to the litigants; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the Marion court of common pleas is hereby abolished.*

SEC. 2. All causes, proceedings, records, dockets, books and papers pertaining to said court, or to the clerk's office thereof, are hereby directed to be transferred to the clerk's office of the Marion circuit court, and it is hereby made the duty of the clerk of the Marion court of common pleas, to deliver the same forthwith to the clerk of the Marion circuit court.

SEC. 3. All and every process, issued from the said Marion court of common pleas, or from the office of the clerk thereof, and not yet returned, shall be returned to the Marion circuit court or to the office of the clerk thereof, as the case may require.

SEC. 4. All causes and proceedings now standing for hearing or trial at the January term of the Marion court of common pleas, for the year 1852, shall stand for hearing and trial at the present term of the Marion circuit court, but shall not be called for trial or hearing sooner than the time such causes and proceedings are set upon the docket of said court of common pleas for trial and hearing.

SEC. 5. No liens shall be impaired by virtue of this act.

SEC. 6. The act entitled "an act creating the Marion court of common pleas," approved January 4th, 1849, is hereby repealed.

SEC. 7. All judgments, orders and decrees now being unsatisfied in the said Marion court of common pleas shall be prosecuted to execution and satisfied in the Marion circuit court.

SEC. 8. The judge of the Marion court of common pleas shall be entitled to all legal fees properly belonging to him which have accrued or may accrue up to the time of the taking effect of this act; and the board of commissioners of the county of Marion are hereby authorized to make an allowance to the judge of said court for any loss he may have sustained in consequence of the business of said court having been transferred to the Marion circuit court.

SEC. 9. It is declared that an emergency exists as recited in the preamble of this act, in consequence of which this act shall take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to immediately forward a certified copy of the same to the clerk of the Marion circuit court.

## CHAPTER XXXIV.

*AN ACT relative to Probate Courts.*

(APPROVED JULY 15, 1852.)

## SECTION

1. Circuit judge may hold probate court in certain cases.
2. Compensation for such service.

## SECTION

3. Emergency declared—act in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That whenever it may happen from any cause whatever, that the probate judge of any county cannot or does not hold any regular term of any such probate court, it shall be lawful for the circuit judge of the circuit within which said county is situated, to hold such court.*

SEC. 2. Such circuit judge shall be allowed the same compensation therefor which is allowed the probate judge.

SEC. 3. Whereas an emergency exists for the passage of this [act] therefore it shall be in force from and after its passage.



## CHAPTER XXXV.

*AN ACT to extend the terms of the probate courts of Daviess county.*

(APPROVED JUNE 12, 1852.)

SECTION 1. Probate court of Daviess county to sit two weeks if business require it.	SECTION 2. Emergency declared.
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SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the several terms of the probate courts of Daviess county, shall hereafter be holden for the term of two weeks, if the business of such court require it.*

SEC. 2. Inasmuch as it is important that all unfinished business pending in said court, shall be disposed of as speedily as possible; it is declared that an emergency exists for the immediate taking effect of this act, and that the same shall be in force from and after its passage and publication in the Indiana State Sentinel and Indiana State Journal.

## CHAPTER XXXVI.

*AN ACT to repeal the 11th, 12th and 13th sections of an act to amend an act entitled, "an act to amend the act entitled an act to incorporate the city of Fort Wayne," and all acts and parts of acts amendatory thereto.*

(APPROVED JANUARY 30, 1852.)

SECTION 1. Certain acts repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the 11th, 12th and 13th sections of an act to amend an act entitled an act to amend the act entitled, "an act to incorporate the city of Fort Wayne," and all parts of acts amendatory thereto, be and the same are hereby repealed.*

## CHAPTER XXXVII.

*AN ACT to repeal sections five and six of an act entitled "an act to establish a free turnpike road in Jay county," approved January 13th, 1845; also, to repeal so much of section five of an act entitled "an act to establish a free turnpike road," approved February 12th, 1851, as applies to that portion of the above named road lying in Jay county.*

(APPROVED JUNE 12, 1852.)

SECTION 1. Repeal of sections five and six of former act.	SECTION 2. Section five amended, so that road tax may be applied to construction and repair thereof, under certain restrictions. Emergency declared.
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SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That sections five and six of an act entitled "an act to establish a free turnpike road in Jay county," approved January 13th, 1845, be, and the same are hereby repealed.*

SEC. 2. That section five of an act entitled "an act to establish a free turnpike road," approved February 12th, 1851, be, and the same is hereby amended so as to read as follows, to-wit:

The taxes levied on land for road purposes, within two miles on each side of said road, within the two extreme points of the same, except that portion of it lying in Randolph and Jay counties, shall be applied under the direction of the commissioners aforesaid, to the constructing and repairing of said road, as taxes are now applied in the respective counties through or in which said road may be located: *Provided, however, That whenever said road, with the exception aforesaid, runs through lands obliquely, the taxes on all eighty acre (or less) lots, any part of which is included within two miles of said road, shall be applied to the construction of said road as though the whole lot was included within the two miles aforesaid: Provided, further, That the appropriation contemplated in this section shall not apply to any township in Adams or Allen counties, until the township trustees of said townships shall deliver to the county auditor of said counties an order directing him to make such appropriation. All the portions of said section five not embraced in this act, and all laws inconsistent herewith, are hereby repealed. And whereas, the object of this act is to prevent the application on that portion of both of said roads which lies in Randolph and Jay counties, of a greater amount of road tax than belongs to them, in common with the other roads of said counties of Randolph and Jay, it is hereby declared that an emergency exists, and that this act shall take effect from and after its passage; and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerks of the Randolph and Jay circuit courts immediately.*



## CHAPTER XXXVIII.

*AN ACT to authorize the Governor of this State to engage the services of a clerk to examine the maps and lists of the swamp lands granted by the General Government to this State, and fixing the compensation of said clerk.*

(APPROVED JANUARY 3, 1852.)

## SECTION

1. Governor authorized to engage services of clerk—compensation of clerk.

## SECTION

2. How clerk shall be paid.  
3. Emergency declared.

**WHEREAS**, It appearing from the special message of the Governor in answer to certain resolution of the House, dated the fifth inst., on the subject of the swamp lands granted by the general government to the State of Indiana, as well as the letter from the commissioner from the general land office, of date the 28th November, 1851, that it will be necessary for some person on behalf of this State, having competent authority so to do, to examine the maps and lists containing a description of said lands and note thereon, the acceptance thereof signed and certified by the Governor on behalf of said State, and returned to said general land office;

**AND WHEREAS**, from the pressure of business connected with the permanent executive duties of the said Governor, he cannot devote the time necessary to enter into a careful examination of said maps and lists, in order to do justice to the interests of this State;

**AND WHEREAS**, it being necessary and proper under the emergency of the case, to enable said Governor to have said maps and lists so examined immediately; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana*, That the Governor of this State be and he is hereby empowered and authorized to engage the services of a competent person to act as his clerk, for the purpose of examining the maps and lists of the lands, heretofore granted by the general government to the State of Indiana, under the act of the 28th day of November, [December,] 1850, who shall receive for his services, any sum not exceeding the sum of three dollars for each and every day he shall have been engaged in his examination and reports, to be determined by the Governor.

**SEC. 2.** Said clerk shall be paid for his services aforesaid, out of any moneys in the treasury, not otherwise appropriated on the warrant of the Auditor, countersigned by the Governor.

**SEC. 3.** This act shall be considered an act of emergency, and shall be in force from and after its passage.

## CHAPTER XXXIX.

*AN ACT to repeal an act entitled, "an act for the relief of Michael Grannin, jr., late of Daviess county," approved February 13, 1851.*

(APPROVED MAY 31, 1852.)

## SECTION

1. Act for the relief of Michael Grannin, jr., repealed.

## SECTION

2. When to take effect.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act for the relief of Michael Grannin, jr., late of Daviess county," approved February 13, 1851, be and the same is hereby repealed.

**SEC. 2.** This act shall be in force from and after its publication and distribution.

## CHAPTER XL.

*AN ACT to authorize masters in chancery, probate judges, and clerks of the circuit court, to issue writs of habeas corpus, and to try cases arising under such writs, and to award injunctions and writs of ne exeat, and regulating appeals in such cases, and providing for their compensation for said services.*

(APPROVED JANUARY 3, 1852.)

## SECTION

1. Specifying persons authorized to issue writs of habeas corpus in certain cases.  
2. Such persons to receive same compensation as allowed associate judge.

## SECTION

3. Act to take effect from passage—Secretary of State to forward copies.

**WHEREAS**, By the taking effect of the constitution, the office of associate judge of the circuit court is abolished, in consequence of which, persons entitled by law to the writ of habeas corpus, are liable to be detained in custody illegally, or otherwise unlawfully.



restrained of their liberty, or to be put to great trouble and inconvenience in being brought before the judges of the circuit courts, at places remote from the place of capture and detention;

AND WHEREAS, also, persons entitled to writs of *ne exeat* and injunction, are liable to be put to like trouble and inconvenience, in applying to the judges of the circuit courts therefor as aforesaid;

AND WHEREAS, the emergency is so great, as to require that this act shall take effect and be in force from and after its passage; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the taking effect of this act, the masters in chancery, probate judges, and clerks of the circuit courts, in their respective counties, shall have the same jurisdiction in issuing writs of habeas corpus and in proceedings under, and trials of all matters arising upon such writs as are now conferred by law upon judges of the supreme court and circuit courts in vacation, and also said masters in chancery, probate judges and clerks of the circuit courts in their respective counties, shall have the same power, in vacation of the circuit courts in such counties to grant writs of *ne exeat* and injunction, and in taking and approving of *ne exeat* and injunction bonds as is now conferred by law upon judges of the circuit courts in vacation.

SEC. 2. It is hereby made the duty of such probate judge, master in chancery, or clerk of the circuit court, after he shall have heard and determined upon the matters of any bill or petition presented for an injunction, forthwith to file the same, with a statement of his proceedings thereon, under his own hand, in the office of the clerk of the circuit court of his proper county, where the same shall be docketed as other causes, and become a part of the records of such circuit court; and such proceedings may afterwards be had thereon as though such proceedings had been in term time of said court; and from all decisions of any judge, in vacation, master in chancery, or clerk of the circuit court, granting any injunction or restraining order, any party feeling aggrieved thereby, may appeal therefrom to the supreme court of this State, at any time before the close of the then next term of the circuit court of the county where said proceedings are pending, by filing with the clerk of said court a bond, with security to the acceptance of said clerk, in such reasonable amount as may be fixed by him as a penalty, conditioned as other bonds in cases of appeal from the circuit to the supreme court.

SEC. 3. The masters in chancery, probate judges, and clerks of circuit courts, shall receive the same compensation for performing the duties specified in this act, as has been heretofore allowed by law to an associate judge for the performance of the same duties.

SEC. 4. This act shall take effect and be in force from and after its passage, and the Secretary of State shall forthwith forward a copy of this act to the clerks of the circuit courts of the several counties of this State.

## CHAPTER XLI.

### AN ACT to provide for the enlargement of the Indiana Hospital for the Insane.

(APPROVED JUNE 9, 1852.)

#### SECTION

1. Board of commissioners authorized to enlarge Hospital building.
2. Necessary excavation and foundation to be put under immediate contract—lumber purchased.

#### SECTION

3. Fifteen thousand dollars appropriated for such purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners, for said Hospital, are hereby authorized and required to enlarge the building of said institution by the continuation of additional wings, conformably to the plan originally contemplated.

SEC. 2. That it shall be the duty of said commissioners to put the necessary excavation, and the laying of the foundation of both said wings under contract, at as early a day as practicable, so as to insure the completion of the same during the coming summer or season; and further, to purchase all the necessary lumber for the purposes of enlargement, and cause the same to be rickered up in such manner as will insure a thorough seasoning thereof.

SEC. 3. That the sum of fifteen thousand dollars is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purpose of defraying the expenses incurred under the provisions of the foregoing sections of this act.



## CHAPTER XLII.]

*AN ACT providing for the election of town and city officers, and prescribing the qualifications of voters in such elections.*

(APPROVED MARCH 10, 1852.)

## SECTION

1. Prescribing the qualifications of electors in incorporated cities and towns.

## SECTION

2. Emergency declared, and act to be published in certain newspapers.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the qualified voters of each and every city or incorporated town, that may have the following officers, viz: mayor, recorders, city judges, secretaries, or clerks, treasurers, collectors, councilmen, trustees, marshals, street commissioners, surveyors, and assessors, shall at such times as now provided by law to hold their annual elections, elect the above named officers, who shall hold their respective offices for the terms of time, and of each of the above named officers such number, as are now provided by law, and in all municipal elections in this State, no other or different qualifications shall be required of voters, than that which shall entitle them to vote at any township, county or State election, except that their residence shall be in the ward of the city or town where such election shall be holden.*

SEC. 2. *As there is no general law providing for the provisions of this act, and that the voters of the several cities or towns of this State may have the benefit of this act, and as there is an emergency existing it is declared that this act shall be in force from and after its passage and publication in the State Sentinel and State Journal.*

## CHAPTER XLIII.

*AN ACT explanatory to the act entitled "an act providing for the election of town and city officers, and prescribing the qualifications of voters in such elections," approved March 10th, 1852, and to provide for filling vacancies in the office of councilman or trustee.*

(APPROVED APRIL 23, 1852.)

## SECTION

1. Act approved March 10, 1852, construed to apply to officers named in said act having such officers.  
2. Act shall not be construed to change incorporation except in election of officers.

## SECTION.

3. Vacancy in councilman to be certified to mayor or president.  
4. Emergency declared, act in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the act entitled "an act for the election of town and city officers, and prescribing the qualification of voters in such elections," approved March 10th, 1852, shall be construed to apply to all incorporated cities and towns having any or all of the officers named in said act.*

SEC. 2. *That said act, to which this act is explanatory, shall not be so construed as to change or affect any provision of any such act of incorporation in any other manner whatever, than to make all the officers of any such corporation included within the enumeration of officers in the above entitled act, elective by the legal voters of any such corporation, or of the wards thereof, as may be provided for in any such act of incorporation; and to extend the right of suffrage as in the above entitled act specified, and in all other respects each provision of every such act of incorporation, shall still remain unimpaired and in full force.*

SEC. 3. *When a vacancy occurs in the office of councilman or trustee, it shall be certified to the mayor or president of the proper city or town, by the clerk or secretary thereof, who shall issue a proclamation fixing the time of the election to fill such vacancy by the legal voters of such corporation or the proper ward thereof, as may be provided for in the act incorporating such city or town.*

SEC. 4. *As there is a diversity of opinion in regard to the construction of said act, and as elections are soon to be held in several towns and cities it is declared to be a case of emergency, and this act shall take effect and be in force from and after its passage.*



## CHAPTER XLIV.

*AN ACT in relation to the printing and the distribution of the Revised Statutes and the Code of Civil and Criminal Practice.*

(APPROVED JUNE 18, 1852.)

## SECTION

1. Fifteen thousand copies of revised statutes and code, and six thousand copies session laws to be printed.
2. The Governor to appoint some one to act with Secretary of State in superintending printing.
3. Revised statutes shall be distributed.
4. Certain copies deposited in State Library.
5. Accounts of sales of revised statutes to be kept.
6. Certain officers entitled to copies in each county.

## SECTION

7. Successors in office entitled to copies in hands of their predecessors.
8. Surplus copies retained in clerk's office.
9. One thousand copies bound with blank leaves.
10. Additional copies of road and school laws to be printed and distributed.
11. Special and local acts printed and bound in separate volume.
12. The manner of distributing code of practice.
13. Officers receiving code of practice to deliver same to their successors.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That of the revised statutes of 1852, and of the code of practice, there shall be printed and bound by the State Printer, by the first day of December next, in the English language, each in a separate volume, fifteen thousand copies; and that of the local and special acts of this session, there shall be printed six thousand copies.

SEC. 2. The Governor, immediately upon the adjournment of the present General Assembly, shall employ a competent person to act with the Secretary of State, and for that purpose shall remain, and in conjunction with, superintend the publication of the revised statutes, whose duties shall be as follows: To read and compare the proof sheets with the enrolled bills; to prepare marginal notes; to prepare and cause to be published with the revised code, reference notes of all decisions of the supreme court applicable to such statutes, and to arrange the statutes for publication, disposing in separate volumes the local laws, code of practice, and the revised laws; to prepare a full and copious index to each volume, and to the laws required to be published in pamphlet form.

SEC. 3. No clerk shall be employed in the performance of the duties specified in this act; and the person employed as aforesaid, shall receive as a compensation for the services herein required, a sum not exceeding three hundred dollars, to be determined, audited, and allowed, by the joint action of the Governor, Auditor and Treasurer of State, specifying the amount of time actually employed, and the specific compensation therefor.

SEC. 4. The revised statutes, when ready for delivery, shall be distributed as follows: To the officers of State; to the judges, reporter, clerk and sheriff of the supreme court; to the judges and prosecuting attorneys of the judicial circuits; to the judges of the

several courts of common pleas; to the judges, district attorney, clerk and marshal of the United States court for Indiana; to the members and officers of the present General Assembly; to the library of Congress; to the departments at Washington; to the colleges in this State; to the county libraries, each one copy, and to each State and Territory, three copies. There shall be forwarded to the counties in this State as follows, to wit: To the counties of Benton, Blackford, Jasper, Lake, Pulaski, Starke, Tipton and Brown, each fifty copies; to the counties of Crawford, Marshall, Martin, Ohio, Porter, Scott, White and Whitley, each seventy-five copies, and to each of the other counties one hundred copies.

SEC. 5. A like number of copies shall be forwarded to the several counties, which shall be deposited in the office of the treasurer of each county, who is hereby authorized to dispose of them at the price of one dollar per copy. The residue of such copies shall be deposited in the State Library for safe keeping, of which the Treasurer of State is hereby authorized to sell the same, not exceeding one thousand five hundred copies, at said price: *Provided*, That not more than one copy shall be sold to one person.

SEC. 6. The treasurer of the county shall, upon delivery to him, receipt for the said copies, and the treasurer of the county and Treasurer of State shall keep account of, and annually pay into the State treasury the amounts received from the sale of revised statutes and code of practice.

SEC. 7. The following officers in each county shall be entitled each to a copy of said statutes, to-wit: Clerk of the circuit court, sheriff, recorder, treasurer, auditor, commissioners, surveyor, justices of the peace, trustees of township, and assessor or assessors.

SEC. 8. Every person entitled to a copy of said statutes, and who has received the same, (except members and officers of the present General Assembly,) shall deliver over the same to his successor in office, and it shall remain the property of the State; and if any person aforesaid shall refuse, on demand, so to do, he shall forfeit and pay any sum not less than five, nor more than fifteen dollars, to be recovered in an action in the name of the State of Indiana, before any justice of the peace, for the use of common schools. The clerks of the circuit court shall carefully retain in their offices such surplus copies of said statutes as may remain after the proper distribution is made under this act; and if there should not be a sufficient number of copies in his office for distribution as herein provided, an additional number for the purpose shall be forwarded by the Treasurer of State upon the order of said clerk.

SEC. 9. In binding the revised code and code of practice, one thousand copies of each shall be bound with every fourth leaf blank, of substantial, close-ruled writing paper, of which, in the distribution herein provided, the clerk of the circuit court in each county, the judges of the circuit court and court of common pleas, the members



of the present General Assembly, and the officers of State, shall be entitled each to one copy.

SEC. 10. The State Printer is hereby directed, when he prints the act in relation to common schools, and the act in relation to public roads and highways, to strike off, at the cost of press-work only, ten thousand additional copies of said acts, which the Secretary of State shall cause to be stitched in pamphlet form and forwarded in proper proportions to the several county auditors, for the use of school townships and road districts in the respective counties.

SEC. 11. That such general acts passed at the present session, as in the opinion of the Secretary of State, should not be embraced in the revised code, shall be printed and bound with the local and special acts in one volume, and shall be distributed in the manner and at the time now provided by law for the distribution of the general laws, and at as early a day as practicable.

SEC. 12. The code of practice shall be distributed as follows: To each person named in the fourth section of this act, one copy; to the library of Congress, departments at Washington, colleges in this State, county libraries, each one copy, and to each State and Territory three copies. There shall be forwarded to the clerk of the circuit court in each county in this State, twelve copies, of which each county officer shall be entitled to one copy; there shall also be forwarded to the several counties, in the proportions named in the fourth section of this act, copies of the code, to be deposited in the office of the county treasurer, who is hereby authorized to sell the same at fifty cents per copy. The residue of such copies shall be deposited in the State Library, which the Treasurer of State is authorized to sell at said price, as provided for the sale of the revised code; but not more than one copy shall be sold to one person.

SEC. 13. The persons entitled to receive copies of the code, and who have received them under the distribution herein provided, except members and officers of the present General Assembly, shall be required to deliver over the same to their successors in office, and be subject to the liability and penalty prescribed in the eighth section.

SEC. 14. Inasmuch as a portion of the duties prescribed by this act must be performed before the publication of the laws, an emergency is declared to exist for the immediate taking effect of this act; it is therefore declared that the same shall take effect and be in force from and after its passage.

## CHAPTER XLV.

*AN ACT to authorize the State Printer, to print, bind and publish one thousand copies of the laws passed by the present General Assembly, in the German language.*

(APPROVED JUNE 16, 1852.)

## SECTION

1. Acts of 1852 to be printed in the German language—translator to be employed.
2. Copy to be sent to clerk of each county—residue deposited with, and sold by Secretary of State.

## SECTION

3. Price for printing the same as paid for other laws, except for composition—printing not to be done, unless half the number are subscribed for.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, The Secretary of State shall cause to be printed in the German language, and bound, one thousand copies of the acts passed at the present session of the General Assembly, and for this purpose he shall employ a competent person to translate the same, who shall receive a compensation not exceeding twenty-five cents per thousand ems.*

SEC. 2. He shall cause to be forwarded to the clerk of the circuit court in each county, one copy thereof, which shall be preserved in the office of said clerk; the remaining copies shall be deposited in the office of said Secretary, who is hereby authorized to sell the same at a price equal to the cost per copy.

SEC. 3. The price to be paid the State Printer for printing the laws as herein provided, shall not exceed those established by law, except that for composition in the German language per thousand ems plain matter, he shall receive fifty cents; *Provided however*, that no printing shall be done in the German language, until at least one-half the number ordered to be printed be subscribed for, by responsible persons, at a price not less than the cost of the same.



## CHAPTER XLVI.

*AN ACT to authorize the Secretary of State to furnish the clerks' offices of the several counties, copies of the local and general laws, and providing for binding the same.*

(APPROVED JANUARY 12, 1852.)

SECTION 1. Surplus copies of local and general laws may be furnished and bound—to be deposited in the clerk's office.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the Secretary of State be authorized to forward to the clerks of the circuit courts in the several counties, for the use of the counties, such surplus copies of the local and general laws as may not be needed for other purposes, as said clerks may require to make up a complete list, and the board of commissioners in each county may cause the same to be bound, the local and general laws of each year to form one volume, and to be kept in the clerk's office as required by law.*

## CHAPTER XLVII.

*AN ACT to extend the time of final payment for University lands and to exempt purchasers of such lands from forfeiture of the same, in certain cases, and provide for the sale of forfeited lands.*

(APPROVED JANUARY 21, 1851.)

SECTION  
1. Time of payment extended.  
2. Lands exempt from forfeiture in certain cases.

SECTION  
3. Commissioner shall sell forfeited lands, if not redeemed.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana, That the time for the final payments, to be made by the holders of original certificates for the purchase of lands reserved and granted to the State University of Indiana, in the case of all such certificates as have heretofore been issued and are now outstand-*

ing, be extended for the further term of five years, from the time when the same may respectively fall due.

SEC. 2. Any and all holders of such certificates, as aforesaid, who have forfeited such lands by the non-payment of interest on the purchase money, shall be exempted and released from such forfeiture, by paying to the commissioner of such lands, on or before the first day of July, in the year 1852, all interest due on the same, together with interest upon the amount due at the time of such forfeiture, up to the time of said payment; and, upon such payment being made, in the manner and within the time herein specified, the holder of such certificate shall have the same rights under it as if such forfeiture had never occurred.

SEC. 3. If any portion of said lands now forfeited shall not have been redeemed on the said first day of July next, as provided in the second section of this act, it shall be the duty of the commissioner of such reserved lands to sell the same for the best price he can obtain, not less than the original purchase price, allowing the purchaser a credit on the same as now provided by law. If any of such lands shall hereafter be forfeited, it shall be the duty of such commissioner if the same is not redeemed with six months from the time of such forfeiture, to sell the same on the terms in this section above provided; for his services in effecting such sales, the commissioner shall be entitled to retain, out of the first money received from the purchasers, five per cent. upon the amount of the purchase price of such lands.

## CHAPTER XLVIII.

*AN ACT to appropriate unappropriated Michigan road land funds to school purposes.*

(APPROVED JUNE 18, 1852.)

SECTION 1. Funds from sale of Michigan road lands to constitute part of common school fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That all the funds now on hands denominated Michigan road land funds, in the hands of the Treasurer of State, and all the funds hereafter coming into the hands of said Treasurer from the sale of any unsold Michigan road lands shall hereafter constitute a part of the common school fund.*



## CHAPTER XLIX.

*AN ACT to authorize the Grand Lodge of Free Masons of the State of Indiana to erect and maintain a monument on the battle ground of Tippecanoe.*

(APPROVED JANUARY 3, 1852.)

SECTION 1. Grand Lodge of Indiana authorized to erect monument on Tippecanoe battle ground.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the Grand Lodge of Free Masons of the State of Indiana, is hereby authorized to erect and perpetually maintain on the battle ground of Tippecanoe, such a monument to the memory of Daviess, Owen, and other Masonic brethren, who fell there in the memorable battle of November, of 1811, as said Grand Lodge shall order and direct, together with such engravings, emblems and devices thereon as may be deemed appropriate.*

## CHAPTER L.

*AN ACT to submit to the voters of the counties of Perry and Spencer at the general election for the year 1852, a proposal to create a new county out of a portion of the territory of said counties, under the provision of the fifteenth specification of the schedule to the Constitution, and providing for the manner of voting on said proposition, and the duty of the officers of election, and of the clerks of the circuit courts and sheriffs of said counties respectively, and of the Secretary of State in relation thereto*

(APPROVED MAY 27, 1852.)

## SECTION

1. Vote submitted at general election for new county in Perry and Spencer counties.
2. The same notice required to be given as in case of other elections.
3. The result of such voting returned as in other cases, and canvassed in same manner.

## SECTION

4. Clerks of each county to certify result to Secretary of State, and same to be laid before General Assembly.
5. Property situate in such new county, if established, belonging to the old, relinquished. Tax collected, &c.

**WHEREAS**, a portion of the citizens of the counties of Perry and Spencer have signified to this General Assembly their desire to

organize a new county, embracing the following territory, now constituting a part of the territory of the counties aforesaid, to-wit: Commencing in the county of Perry, at the Ohio river, at a point one mile west of the line dividing ranges two and three west, being the south-west corner of fractional section thirteen (13,) in township number seven (7,) of range three (3) west; thence running due north with the section line, until said line strikes the township line dividing townships number four (4) and five (5); thence west with said township line one mile; thence due north until it strikes the line dividing the counties of Perry and Dubois; thence due west with said county line to the north west corner of Perry county; thence south with the line dividing Perry and Dubois counties, three miles to the north east corner of the county of Spencer; thence west with the line dividing Spencer and Dubois counties, until said line strikes the range line dividing ranges number four (4) and five (5); thence south with said range line to the Ohio river; thence up the Ohio river, with its meanders, to the place of beginning.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That at the general election to be held on the second Tuesday in October, 1852, the proposal to create a new county embracing the territory aforesaid, shall be submitted to the legal voters of the said counties of Perry and Spencer, respectively, and the vote thereon shall be in the following form: "For a new county," or "against a new county," written or printed on the ballot.*

SEC. 2. The clerk of the circuit court of each of said counties shall certify to the sheriffs thereof the vote required to be taken under the provisions of this act, and such sheriffs shall give the same notice thereof as is required by law in other elections.

SEC. 3. It shall be the duty of the several officers, at each election precinct in said counties, to return the result of such votings as in other cases; and the board of canvassers of each of said counties shall canvass and enter upon the general statement the result of such vote in their respective counties.

SEC. 4. The clerk of the circuit court in each of said counties shall certify, under his hand and seal of office, to the Secretary of State, the result of the vote on said proposition, as shall appear from the certificate of the board of canvassers of his county, stating specifically the number of votes given in his county "for a new county," and the number of votes given "against a new county," within ten days after said election, which certificate of said clerks shall be laid before the next General Assembly by the Secretary of State, within ten days after the organization thereof.

SEC. 5. If such new county be established as herein provided, all the property belonging to the counties of Perry and Spencer, situate and within such new county, and all the county property within such old counties, shall be relinquished to the counties respectively to which such property belonged before the formation of such new



county; and all taxes assessed by such old counties upon persons and property within such new county, and collected during the year immediately preceding the formation of such new county, shall be paid over by the treasurers of such old counties to the treasurer of such new county, for the use thereof; and the auditors of such old counties shall furnish, on demand, the auditor of such new county with a transcript of the tax duplicate of the persons and property within such new county, made out for the year immediately preceding the formation thereof, which copy of such duplicate shall be entered of record in the proper duplicates of such new county, and be taken and received as sufficient authority to enable the proper officers of such new county to collect the State and county revenue thereof, until said duplicates are made out therefor according to law.

## CHAPTER LI.

*AN ACT in relation to the officers and soldiers of Indiana who served in the war of 1811, 1812 and 1813, and in the war with Mexico, and in all other wars since the settlement of the State of Indiana.*

(APPROVED FEBRUARY 20, 1852.)

### SECTION

1. Governor to procure complete rolls of officers and soldiers in war service and record the same.

### SECTION

2. Appropriation for that purpose.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the Governor, to procure from the department of war of the United States, complete rolls of all the officers and soldiers, regulars and volunteers of Indiana who were engaged in the service of the United States in the war of 1811, 1812 and 1813, and the war with Mexico, and in all other wars since the settlement of the State of Indiana, which roll shall contain the name, age, rank, where born, when enlisted or received as a volunteer, [by whom enlisted or received as a volunteer,] and for what term, remarks, &c., which rolls when received, the Governor shall cause to be copied into a record book to be by him procured for that purpose, and when all of said rolls that can be obtained shall have been copied into said book it shall be deposited in the State Library.

**SEC. 2.** *And be it further enacted,* That a necessary sum not to exceed five hundred dollars be and is hereby appropriated for that purpose to be expended under the direction of the Governor.

## CHAPTER LII.

*AN ACT to require certain officers to execute further official bonds, and to take an additional oath of office.*

(APPROVED JUNE 9, 1852.)

**SECTION 1.** Officers whose term of service is extended by constitution required to give bond and take official oath.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana,* That all officers whose term of office is extended by the constitution, or by any law passed at the present session of the General Assembly, who are required by law to execute an official bond, and to take an oath of office, shall, before the performance of any official duties within such extended time, execute a new official bond and take an oath of office, for such extended time, in the same manner, and with like effect as in other cases. And in default thereof, any such officer shall be liable to all the penalties prescribed by law for exercising the duties of his office without having executed his official bond, and taken the required oath. And furthermore such office shall become vacant, and shall be filled in the manner prescribed by law for filling vacancies.



## CHAPTER LIII.

*AN ACT for the relief of Samuel H. Patterson and to reduce his rent as lessee of the Penitentiary.*

(APPROVED MAY 29, 1852.)

## SECTION

1. Rents due from Patterson to be deducted for reconstructing portion of State's prison.
2. Lessee discharged from rents under certain conditions until June 14th, 1856.

## SECTION

3. Lessee to file release of all claims against the State in Auditor's office.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That as in accordance to an act of the present General Assembly a contract has been entered into by the superintendent, appointed by the Governor, with Samuel H. Patterson for the reconstruction of that portion of the State's Prison recently consumed by fire, the rent now due from said Patterson as lessee of said Prison, be deducted out of the consideration money of said contract.

SEC. 2. For and in consideration of said contract, and that said Samuel H. Patterson will construct a sewer for said prison in accordance to the terms of a contract entered into by the warden of said prison and said Patterson, and as a partial reparation of the losses sustained by said Patterson as lessee of said prison, said Patterson is hereby discharged from the payment of any rent due or to become due as lessee of said prison from the 14th day of June, 1851, to the 14th day of June, 1856, that he shall fully comply with the terms of said contract, entered into with said superintendent, and warden respectively, for the reconstruction of the burnt portion of said prison, and the construction of said sewer without any additional charge to the State, and shall in all other respects conform to the terms of the lease of said prison until the expiration thereof, and be subject to all the regulations and liabilities therein provided.

SEC. 3. Before the lessee shall have the benefits of this act, he shall file in writing, in the office of the Auditor of State, a release of all claims against the State accruing from his contract as such lessee, or other contracts since entered into between him and the State.

## CHAPTER LIV.

*AN ACT to amend acts of incorporation for the construction of Plank Roads and Turnpike Roads.*

(APPROVED JUNE 9, 1852.)

## SECTION

1. Additional powers granted to companies heretofore incorporated to construct plank and turnpike roads.
2. Mode of assessing damages where the owner is a minor, insane, or resides out of the State.

## SECTION

3. Company shall be seized of the right of way.
4. Emergency declared.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all acts of incorporation heretofore granted for the building and construction of plank roads and turnpike roads, be, and the same are hereby amended as follows:

1st. Where they are now required to construct a double track either of plank or metal, the same may be changed to a single track, not less than eight and one half feet in width.

2d. Where they are now required to construct a metal turnpike by placing the metal upon the same of a certain thickness, the authority is hereby given to change or alter the same. *Provided*, the thickness in the centre is not reduced to less than six inches, and provided the same shall be made and kept in good repair.

3d. Where a certain line or route is designated in the charter, the same may be varied from, to avoid hills or other obstacles and to obtain the best route: *Provided*, that nothing herein contained shall be so construed as to authorize the change of the terminus of the road or their general direction.

4th. That in all cases where said plank road and turnpike road companies find it necessary to vary from the line or route to avoid hills or other obstacles, as provided in section 3d of this act, where any person through whose land the road may run in making said variation, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for such corporations to give notice to some justice of the peace in the county where such difficulty may occur, that such facts do exist, and the justice shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall after taking an oath faithfully and impartially to assess the damages, if any, view the land, and materials, and shall report thereon whether such person is entitled to damages or not, and if so, how much; and shall file said report with such justice, whereupon said justice shall enter judgment thereon, unless for good cause shown, and in case



either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises either with or without cause: *Provided*, that either party may at any stage of the proceedings appeal to the circuit court of the proper county, as in other cases, and such court shall appoint reviewers as above directed, who may report at that, or the succeeding term, in the discretion of the court and the judgment of the circuit court shall be final.

SEC. 2. In all cases where the owner, or owners of such land, or materials shall be minors, insane persons, or reside out of the county where such land may be, such justice shall cause three notices of the application made, and the day fixed for the appointment of reviewers to be posted up in three of the most public places in the county, and if no person attend on the day fixed in said notices said justice shall adjourn the same until that day three weeks, at which time, he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered, and the corporation complying therewith, by the payment of costs, or damages awarded against them, the corporation shall be seized of the lands or materials; costs shall be awarded or allowed against either party at the discretion of the justice.

SEC. 3. That when said corporation shall have procured the right of way, as herein provided, they shall be seized of the right of said lands, and shall have the sole use and occupancy of the same, during the time the same shall be occupied for said road; and the variations from the line or route made under the provisions of this act shall be a part of the line as fully in all respects as any portion of the line.

SEC. 4. That as certain companies are constructing roads and the work thereon is suspended on account of necessity for the power granted in this bill [act] to avoid hills and other obstacles on their line of road, which is hereby declared such an emergency as to require this act to take effect from and after its passage.

## CHAPTER LV.

*AN ACT authorizing Plank Road and Turnpike companies to create a sinking fund for the repair of said roads.*

(APPROVED MARCH 4, 1852.)

## SECTION

1. Plank road and Turnpike companies may create a sinking fund for repairs.

## SECTION

2. May invest such fund at interest as directors may direct.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all plank or turnpike road companies now or hereafter lawfully organized within this State shall have full power and authority, from time to time, as the board of directors may direct, to set aside such portions of the profits arising from their respective roads, for the purpose of creating a surplus fund by which said roads may be repaired.

SEC. 2. That the respective amounts thus set aside for a surplus fund, shall, from time to time, be invested at interest under such securities as the board of directors of the respective companies may direct.

SEC. 3. That this act shall be in force from and after its publication.

## CHAPTER LVI.

*AN ACT to repeal an act entitled "an act to amend an act authorizing the construction of plank roads, approved January 15th, 1849," approved January 14, 1850.*

(APPROVED JUNE 12, 1852.)

Act amendatory of act relating to plank roads repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled an "act to amend an act entitled 'an act authorizing the construction of plank roads, approved January 15th, 1849,' approved January 14th, 1850," be and the same is hereby repealed.



## CHAPTER LVII.

*AN ACT declaring the word "ten," in the tenth section of an act to incorporate the town of Plymouth, Marshall county, approved February 11th, 1851, a misprint.*

(APPROVED JUNE 18, 1852.)

## SECTION

1. The word "ten," in act of incorporation, declared a misprint.

## SECTION

2. This declared an act of emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the word "ten," in the tenth section of an act to incorporate the town of Plymouth, in Marshall county, approved February 11th, 1851, is hereby declared a misprint, and the word two be substituted therefor.*

SEC. 2. This act is hereby declared to be an act of emergency, and shall take effect and be in force from and after its passage and publication in the Plymouth Banner.

## CHAPTER LVIII.

*AN ACT regarding the Public Works of the State.*

(APPROVED JUNE 4, 1852.)

## SECTION

1. Public works not disposed of to companies to be surrendered to counties where the same lie.

2. Companies having failed to take possession of any public work, henceforth to belong to the county.

3. County commissioners charged with care of such works.

## SECTION

4. Commissioners may grant them to companies under certain circumstances.

5. State Auditor to sell engineering apparatus belonging to State.

6. National road not heretofore granted any company, to be sold.

7. Certain canals excepted in this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That so much of the public works heretofore constructed by the State as has not been granted to any private company, or otherwise disposed of, and still in possession of the State, be surrendered to the counties respectively, in which the same lie.*

SEC. 2. If any company to whom the right to take possession of any portion of the public works has heretofore been granted, shall

tail, on or before the first day of January next, to take possession thereof, such company shall be deemed to have abandoned the same; and such portion shall thenceforth belong to the counties in which the same may lie.

SEC. 3. The board of commissioners in the respective counties are hereby charged with the care of the public works in this act surrendered.

SEC. 4. Such boards may direct such public works, under their charge, to be maintained as State or county roads, or may, at their option, by order of record, on such terms as to them may seem just, grant to any private company who shall contract to complete or keep up the same, all or any part of such public works.

SEC. 5. The Auditor of State is hereby authorized and required, by himself or agent, to expose to sale, at such time and in such manner as may be deemed most conducive to the interest of the State, all engineering and surveying instruments and apparatus not otherwise legally disposed of, heretofore in use upon and connected with any of said public works, and to pay the proceeds thereof into the State treasury.

SEC. 6. So much of the National Road within this State heretofore ceded to this State by the United States, as has not been granted to any company, together with all materials to or near the same, and now the property of the State, shall, on or before the first day of October next, be put up at public auction, after due notice of sale, by the Auditor of State, in convenient lots, and sold to the highest bidder; and the proceeds of such sale shall be paid into the State treasury.

SEC. 7. Nothing in this act shall be so construed as to work a surrender to any county or otherwise, of any future or contingent interest of the State in the White Water Canal, or in the Wabash and Erie Canal, and the extensions of the Wabash and Erie Canal to Evansville.



## CHAPTER LIX.

*AN ACT to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said railroad, and to repeal, so far as affects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of the act entitled, "an act for the continuance and construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28th, 1842.*

(APPROVED FEBRUARY 28, 1852.)

## SECTION

1. Madison and Indianapolis railroad to construct new terminus—mode of assessing damages.
2. Appeal allowed from assessment of damages.
3. Providing for cases of infants and others incompetent.
4. The new terminus shall not vacate the present line.

## SECTION

5. The interest of the State in said road to be sold.
6. To be paid in four equal annual instalments.
7. Said company to file their acceptance with Secretary of State.
8. If the company refuse to accept, any other person or company may.

**WHEREAS**, It has been necessary and expedient to avoid, by the construction of a new termination of the Madison and Indianapolis railroad, the inclined plane on said road at the city of Madison;

**AND WHEREAS**, the State of Indiana will become vested with an interest in said road in January, 1853, which interest must necessarily bear its portion of the expenditures in the construction of said new termination;

**AND WHEREAS**, it is considered inexpedient for the State to make expenditures for works of internal improvements, or to be connected directly or indirectly with corporations therein; therefore to enable the Madison and Indianapolis Railroad Company to make the desired change, and obviate an obstacle to said work, and also to relieve the State from any liability thereto or connection therewith;

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana*, That the Madison and Indianapolis Railroad Company shall have the right, power, and authority to construct a new termination of said road from any point south of a point on the main line of their present road, commencing not more than one-half mile north of the culvert erected over Harbord's creek, and running to the city of Madison, so as to avoid the inclined plane at the latter place,

and for this purpose may locate and survey said route, and enter upon and take possession of any lands that may be necessary for the right of way, not exceeding one hundred feet in width. That whenever said company, and the owner or owners of any such land cannot agree as to the said right of way, it shall be the duty of the board of commissioners of Jefferson county, in session, or any two of them in vacation, to appoint upon application of either party, three disinterested, judicious freeholders of said county, who are not freeholders of real estate upon the present or proposed line of said road, who shall proceed under oath to view and assess the damage of said owner or owners, according to the provisions of the constitution of this State, and of this act, for said right of way; and they shall immediately furnish a copy of their award to each of the parties, and the said company, within twenty days after the rendition of said award and before appropriating said lands, shall either appeal therefrom to the circuit court of Jefferson county, or pay or tender the amount thereof. In case the owner or owners of any such lands shall refuse to receive the amount so awarded, he or they shall within twenty days after such refusal, appeal to the circuit court of said county, and in the event of appeal by either party, the said railroad company shall deposit the amount so awarded with the clerk of said circuit court, subject to the final determination of the case, and may thereupon appropriate said right of way; *Provided*, that said company shall commence the construction of a road to avoid said inclined plane before the first day of January, 1854, and complete the construction thereof before the first day of January, 1856.

**SEC. 2.** An appeal in cases arising under this act, shall be taken by depositing with the clerk of the circuit court a copy of the award, with a notice of such appeal endorsed thereon, and the appellant shall also file a bond in the sum of two hundred dollars, to the satisfaction of said clerk conditioned for the payment of costs; whereupon the clerk shall issue to the adverse party, notice of such appeal, with certificate of the filing of said bond, which shall be served and returned as a summons in other cases; *Provided*, that no case shall be set for trial at any term of said court, unless the notice shall have been issued and served at least ten days before the first day of said term.

**SEC. 3.** In the event that any such lands shall belong to minors, married women, insane persons, or non-residents, then the guardian or guardians of such minors or insane persons, the husbands of such married women, and the agent or agents of such non-resident or non-residents shall act in the premises; and for the purposes of said condemnation, be regarded as the owners.

**SEC. 4.** The construction of such new termination of said road shall not vacate the present line thereof, between the points named; but the same shall remain vested in said company, and subject to their use and occupancy as at the present time.

**SEC. 5.** The interest of the State of Indiana, accruing on the



13th day of January, 1853, in the Madison and Indianapolis railroad is hereby sold to the Madison and Indianapolis Railroad Company, for the sum of six hundred thousand dollars of the two and a-half per cent. stocks of the State.

SEC. 6. The aforesaid payment, if the same be paid in stocks, shall be paid in four equal annual instalments, becoming due and payable upon each of the first days of January in the year 1854, 1855, 1856 and 1857, and each of said payments may be discharged by the delivery to the Treasurer of State, on or before each of said dates respectively, of one hundred and fifty thousand dollars of the said two and a-half per cent. stocks of the State; and upon the receipt of each of such payments, the State Treasurer shall give to said company a receipt therefor, and deliver the stocks to the State Auditor to be cancelled. And upon the final payment of the last said instalments and presentation of the receipts therefor, the State Auditor shall execute to said company, under the seal of his office, a full and perfect transfer of all the right, title and interest of the State in said road, or the revenues thereof; *Provided*, that nothing in this act contained shall be so construed as to authorize the sale in any way, the stock which the State will own in the road on the first day of January, 1853, accruing on account of the earnings of the same; *Provided*, that the company may pay each of said instalments, by paying to the Treasurer of State the sum of seventy-five thousand dollars in money, with interest thereon from the 13th day of January, 1853, at the rate of six per cent. per annum; and to secure the said payments to the State, the said company shall execute to such person as the Governor of the State may designate as trustee, a mortgage on said road and all the property thereof, with right of entry and sale, or to receive the revenues thereof, as such trustee may elect, if default be made for sixty days in the payment of said instalments or either of them or any part thereof.

SEC. 7. The said Railroad Company, if it accept the provisions of this act, shall so signify, within ninety days from the passage thereof by filing with the Secretary of State a notice of such acceptance by the board of directors, duly attested by the corporate seal of said company, and thereupon the fifty-fifth and fifty-eighth sections of the act entitled "an act for the continuance of the construction of all or any part of the public works of this State by private companies and for abolishing the board of internal improvement, and of the offices of fund commissioner and chief engineer," approved January 28th, 1842, so far as the same relates to or affects the Madison and Indianapolis Railroad Company, shall be and the same are hereby repealed.

SEC. 8. In case said Madison and Indianapolis Railroad Company do not accept the propositions contained in this act within ninety days, as above provided, it shall be lawful for any other person, corporation or company, within six months after the expiration of said ninety days, to accept the said propositions of sale in manner as

above provided; and by such persons, corporation, or company, complying with the provisions and conditions of this act, shall acquire and possess all the rights, privileges, and benefits that the said railroad company would or could acquire if they had accepted the same; *Provided however*, that nothing in this act shall be so construed as to in anywise authorize the said Madison and Indianapolis Railroad Company, or any other company, to reconstruct said road so as to avoid the inclined plane at the city of Madison or any other part of said road now owned by the State, unless the said Madison and Indianapolis Railroad Company, shall itself accept the provisions and fully comply with the conditions of this act.

## CHAPTER LX.

*AN ACT to provide for the sale of the stock owned by the State of Indiana in the Madison and Indianapolis Rail Road Company.*

(APPROVED MARCH 5, 1852.)

### SECTION

1. Stock in the Madison and Indianapolis railroad to be disposed of.

### SECTION

2. Auditor of State to make transfer of stock to purchaser.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor of this State, acting with the advice of the Auditor, Treasurer, and Secretary of State, be, and he is hereby authorized, at such time during the year 1852, and in such manner, as shall be deemed most for the interest of the State, to negotiate and conclude a sale of the shares of stock owned by the State in the Madison and Indianapolis railroad company. *Provided*, no share of the said stock shall be sold for a less price than fifty dollars.

SEC. 2. Whenever such sale of stock shall have been effected, and the whole amount of the purchase money therefor shall have been received, the Auditor of State shall have full power and authority to make and execute, in behalf of this State such transfer thereof as shall vest the ownership of such stock in the purchaser or purchasers, as perfectly as the same is now vested in the State.



## CHAPTER LXI.

*AN ACT to authorize any company heretofore organized under the provisions of any general or special law of this State, for the purpose of constructing a plank, turnpike, gravel, McAdamized or coal road, to construct a railroad instead of such turnpike, gravel, plank, McAdamized or coal road, and prescribing the manner in which such change may be made.*

(APPROVED MAY 31, 1852.)

## SECTION

1. Certain roads may be changed to railroads.
2. Stockholders' consent to change shall be filed and recorded.
3. Board of directors may change the character and objects of the company.
4. Shall give notice of such change.
5. Corporate powers of company.
6. Change shall not affect the validity of contracts, and liabilities of the company.

## SECTION

7. Duties, rights and liabilities of company in constructing railroads.
8. How suits may be commenced and prosecuted.
9. Duty of officers, at time of change.
10. Books for subscription of stock may be opened, &c.
11. Emergency declared.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the stockholders of any company heretofore or hereafter to be organized under the provisions of any general or special law of this State, for the purpose of constructing a plank, turnpike, gravel, McAdamized or coal road, to construct a railroad instead of such plank, turnpike, gravel, McAdamized or coal road: Provided, That any company availing itself of the benefits of this act, shall be required to do so within one year from its passage, and shall be deemed to have surrendered all its original powers and privileges, except such as are specially reserved by this act.*

SEC. 2. No change shall be made in the character or object of any company heretofore organized for any of the purposes aforesaid, until the stockholders thereof shall signify their assent to such change by an instrument in writing, by them subscribed, nor until such instrument in writing, so subscribed as aforesaid, shall have been filed and recorded in the recorder's office of each and every county through which such road may pass.

SEC. 3. After the assent of the stockholders of any such plank, turnpike, gravel, McAdamized or coal road company shall have been signified, filed and recorded in the manner specified in the next preceding section, it shall be lawful for the board of directors of any such company to change the character and object of such company as herein contemplated, by an order entered upon the records thereof, which order shall specify, among other things, the new name and style under which the said company desires to be known and recognized thereafter, a copy of which order, duly attested, shall also be filed and recorded in the recorder's office of each and every county through [which] said company may desire to construct said railroad.

SEC. 4. After the character and object of any such company shall have been changed as herein provided, it shall be the duty of the board of directors of such company, before proceeding further, to give at least thirty days' public notice of such change, by publication thereof in at least one newspaper of general circulation in each and every county through which any such road is intended to pass, in which any such newspaper shall be printed and published, a copy of which notice, with due proof of publication, shall also be filed and recorded in the office of the recorders aforesaid.

SEC. 5. Said company, by such new name and style signified as aforesaid, shall be a body politic and corporate, and by such name and style shall be able and capable to sue and be sued, plead and be impleaded, defend and be defended in all courts of competent jurisdiction, as to all contracts heretofore made, or liabilities heretofore incurred, and to make and enforce all necessary by-laws and regulations to enable them to carry into execution and effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 6. No change in the character and object of any such company, shall in any way impair the validity of any contract made and entered into by or with such company prior to such change; nor shall it in any way affect any liability incurred by said company in its corporate capacity, or by the directors or individual stockholders thereof, but the same shall be and remain as valid and effectual as they would have been had no such change taken place.

SEC. 7. In the construction of a railroad instead of such plank, turnpike, gravel, McAdamized or coal road, the same shall be located and constructed as near as practicable upon the ground upon which any such road may have been located, and shall in its location embrace the points designated in the plat or profile of any such plank, turnpike, gravel, McAdamized or coal road: *Provided, however,* that if any such plank or other road aforesaid shall have been located either in whole or in part, upon and along any State or county road, the right of way over which may have been granted by the consent of the board of commissioners of any county in this State, for the purpose of constructing thereon any of said description of roads, no change shall be made in the character or object of such road until the consent thereto of the board of commissioners of the proper county or counties shall have been obtained. And such company shall obtain the right of way from individuals over whose land such road may run, by paying such additional sums, over and above the amount paid for the right of way for such plank, turnpike, McAdamized or coal roads, as may be agreed upon by the parties, or determined according to the act providing for the incorporation of railroad companies.

SEC. 8. Suits by or against any such company, may be commenced and prosecuted upon all contracts made and entered into by or with them prior to the taking effect of any such change, and also



for any liability incurred by any such company in its corporate capacity, or by the directors, or by the individual stockholders thereof, prior to such change, in the same manner as such suits might be commenced and prosecuted if no change had been made as contemplated in this act.

SEC. 9. The officers of any such company, who may be in office at the time any such change shall take effect, shall remain in office until their successors shall be elected and qualified.

SEC. 10. The president and directors of any such company may open books and receive subscriptions of stock for the purpose of constructing a railroad, at such times and at such places as they may direct. But said company shall not have power, under the provisions of this act, or of any act to which it may have referred [reference,] to construct, or take measures to construct, any railroad under or by virtue of any law authorizing the formation of a company or companies for the building of plank, turnpike, gravel, McAdamized or coal roads.

SEC. 11. Inasmuch as some such plank, turnpike, gravel, McAdamized or coal road companies are desirous of making the change herein contemplated immediately, an emergency exists for the taking effect of this act from and after its passage. It is therefore declared that this act shall take effect and be in force from and after its publication in the Indiana State Sentinel, Indiana State Journal and Indiana Statesman

## CHAPTER LXII.

*AN ACT to extend the time of complying with the provisions of an act entitled "an act for the relief of the persons therein named," approved January 26, 1847.*

(APPROVED JUNE 9, 1852.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time specified in the second section of said act within which the acts therein specified were required to be performed, be, and the same is hereby extended to the first day of April, 1853.

SEC. 2. The extension, as aforesaid, of the operation of said act, shall not otherwise affect the provisions thereof.

## CHAPTER LXIII.

*AN ACT declaring what documents shall be published along with the Revised Statutes.*

(APPROVED MAY 27, 1852.)

### SECTION

1. Certain documents, &c. to be printed with the Revised Statutes.

### SECTION

2. Certain acts of Congress, and public documents to be added as an appendix to the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That with the Revised Statutes of the present year, there shall be published prefixing to the same:

1. The Declaration of Independence.
2. The Articles of Confederation of the United States.
3. The Constitution of the United States.
4. The Constitution of the State of Indiana.
5. The act of Virginia conveying to the United States, the Territory Northwest of the Ohio, passed December 20, 1783.
6. The act of Virginia concerning said territory, passed December 30, 1788.
7. The seventh section of an act of Virginia, concerning the District of Kentucky, passed December 18, 1789.
8. The Ordinance of Congress, passed July 13, 1787.
9. The act of Congress concerning the Territory Northwest of the Ohio, approved August 7, 1789.
10. The act of Congress on the same subject, approved May 8, 1792.
11. The act of Congress to divide the Northwest Territory into two Governments, approved May 7, 1800.
12. The act of Congress to divide Indiana Territory into two Governments, approved February 3, 1809.
13. The act of Congress to enable the people of Indiana to form a Constitution, approved April 19, 1816.
14. Ordinance accepting the propositions of Congress, passed June 29, 1816.

SEC. 2. There shall also be added to said Revised Statutes, as appendix to the same.

1. The act of Virginia apportioning lands granted to Illinois Regiment, and establishing a town (Clarksville) within the said grant, passed 1783.
2. The act of Virginia amendatory of the above act, passed 1786.
3. The act of Virginia giving further time to make deeds in said grant, passed 1790.
4. The act of Virginia on the same subject, passed 1796.



5. The act of Virginia amendatory of the same, passed 1796.
6. Patent for said grant by Governor of Virginia, dated December 14, 1786.
7. The act of Congress relating to fugitives from justice and persons escaping from the service of their masters, approved September 18, 1850.

## CHAPTER LXIV.

*AN ACT to fix the time at which county treasurers shall make their annual settlement with county auditors, and with the Auditor of State, and to authorize them to make deposits under the direction of the Treasurer of State, so far as the revenue of 1851 is concerned.*

(APPROVED JANUARY 26, 1852.)

## SECTION

1. Further time given to settle revenue of 1851.

## SECTION

2. Emergency declared, and State Auditor to furnish a copy of this act to county auditors.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time at which county treasurers are now required by law to settle with the county auditor, so far as the revenue of 1851 is concerned, be and the same is extended to the first Monday in April 1852; and that the time at which county treasurers are required to settle the State revenue account of 1851, be and the same is hereby extended to the third Monday in April 1852; *Provided, however*, that the several county treasurers shall make distribution of the several funds applicable to school purposes including the amount raised by taxation at the time now prescribed by law; *Provided further*, that said county treasurer shall deposit in any one of the several Branch Banks of the State Bank of Indiana to the credit of the Treasurer of State the amount for State revenue which he may collect from time to time, previous to his final settlement with the Treasurer of State, as he may be directed by said Treasurer of State, and he shall take a certificate therefor, for which, when presented on the day of final settlement the Treasurer of State shall receipt as for money paid in.

SEC. 2. Owing to the fact, that the county treasurers in many counties, did not receive their duplicates for the present year, in time to make settlement as now required, an emergency exists for the immediate passage and taking effect of this act, and it is hereby

declared to be in force from and after its passage, and the Auditor of State is hereby directed to furnish each county auditor and treasurer with a copy of this act.

## CHAPTER LXV.

*AN ACT providing a remedy for the illegal reduction of the aggregate valuation of real estate in the several counties of this State.*

(APPROVED JANUARY 12, 1852.)

## SECTION

1. Auditor of State to address circular to county auditors &c.

## SECTION

2. County treasurers to settle revenue in the manner prescribed by law.  
3. Act to be published in certain newspapers.

WHEREAS, Information has been received that the boards of equalization in several of the counties of this State, at their September session, 1851, made a large reduction of the aggregate valuation of the real estate of their respective counties, without authority and in violation of law thereby releasing the tax payers of said counties from their equal and just portion of the public burthens; AND WHEREAS, It is important that the taxes should be levied upon the aggregate valuation as returned by the appraisers, it is the opinion of this legislature that an emergency exists, and that this act should be in force from and after its publication; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Auditor of State be directed to address a circular to the several county auditors, to ascertain the amount of reduction made, by the boards of equalization of the respective counties, from the aggregate valuation of real estate, as returned by the appraisers, and that the said Auditor of State shall have power to direct the auditor of any such county, where reduction has been made, to reinstate upon the duplicate of taxes, the true valuation, which shall equal in amount the aggregate of the original valuation, and said county auditor shall estimate the proper amount of State, county and other taxes fairly chargeable thereon, and place the same on said duplicate. *Provided, however*, That the board of equalization of such county, at their March session, 1852, shall have power to equalize, the valuation of the real estate of said county in accordance with the provisions of law.



SEC. 2. The treasurer of such county, in his annual settlement, with the county auditor, and with the Auditor of State, shall settle and account for all revenue collected on the duplicate, as amended in the manner prescribed by law, and if any owner of real estate shall neglect, or refuse to pay, the full amount of taxes due on the same, said property shall be returned as delinquent for said tax, and the same shall be collected as in case of other delinquencies: *Provided, however,* That where the owner is not informed of such increased tax, he shall not be liable for the usual penalty and interest.

SEC. 3. This act shall be published in the Indiana State Journal, State Sentinel, and the Indiana Statesman.

## CHAPTER LXVI.

*AN ACT to raise a revenue for State purposes for the year 1852.*

(APPROVED MARCH 9, 1852.)

## SECTION

1. Rate of taxation established for 1852.

## SECTION

2. Emergency declared. Act to be published in certain newspapers, and copies forwarded to county auditors.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That a tax for State purposes, of twenty cents on each one hundred dollars of the value of all property entered for taxation in the general lists of taxables, and fifty cents upon each poll subject by law to taxation, shall be and is hereby authorized and directed to be levied for the current year, one thousand eight hundred and fifty-two, and which shall be assessed, levied and collected according to law.

Whereas, in the opinion of this General Assembly, an emergency exists for the immediate taking effect of this act, to the end that the several county auditors may in due time be certified of their duty in respect hereof; therefore,

SEC. 2. *Be it further enacted,* That this act shall take effect and be in force from and after its passage; that the same be published in the Indiana State Sentinel, the Indiana State Journal, and the Indiana Statesman, and that the Secretary of State forward, without delay, certified copies of this act to the auditors of the several counties in this State.

## CHAPTER LXVII.

*AN ACT to legalize the action of School Commissioners in cases where the tax duplicates have been made out before the taking effect, in their counties, of the school law of 1849.*

(APPROVED MARCH 5, 1852.)

## SECTION

1. School commissioner in Monroe county may continue to discharge certain duties.

## SECTION

2. School commissioners of other counties invested with similar powers.  
3. When this act shall take effect.

WHEREAS, it is represented to this General Assembly that by the vote of the people of Monroe county, at the general election on the first Monday of August last, the act entitled "an act to increase and extend the benefits of common schools," approved January 17, 1849, was adopted, and made to take effect in said county, but that the tax duplicate for said county, for the year 1851, had been made out and completed before the day of said election, and the school commissioner of said county has since continued to act as such; AND WHEREAS, it is desirable that all question of the action of said school commissioner in the premises, and of any other school commissioners in other counties in like cases, should be prevented, and that such school commissioner may be protected from the expenses of litigation, it is declared that an emergency exists for this act to take immediate effect; and, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the school commissioner of Monroe county to continue in the discharge of the duties of that office until the first Monday in March next after the adoption and taking effect in said county of the act entitled "an act to increase and extend the benefit of common schools," approved January 17th, 1851; and the acts of said school commissioner subsequent to the taking effect of said act, and within the time herein limited, are declared to be of the same legal force, effect, and binding obligation as if the act aforesaid had not been adopted in said county.

SEC. 2. The like legal force, effect and obligation are hereby given to the action of school commissioners in any and all counties in this State, as are given to the acts of the school commissioner of Monroe county by the first section of this act, whenever the like circumstances exist, or may hereafter exist, as set forth in said first section, and in the preamble to this act.

SEC. 3. This act shall take effect and be in force from and after its passage, and shall be published in the Indiana State Sentinel, the Indiana State Journal, and the Indiana Statesman.



## CHAPTER LXVIII.

*AN ACT for the relief of the purchasers of school lands where no record has been made of the appraisement, as required by any previous law, and the confirmation of titles to lands previously sold, and prescribing the duty of county auditors in relation thereto.*

(APPROVED JANUARY 28, 1852.)

## SECTION

1. Duty of county auditors where necessary records of sale have not been kept.

## SECTION

2. Sales heretofore made legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where the township clerk of any congressional township failed to file with the school commissioner or county auditor a certified copy of the division and appraisement of any school section as made by the trustees of any congressional township in pursuance to the law then in force, and in all cases when any of the officers making sale of school land, has failed to make the necessary records of the appraisement and division of school sections, it is hereby made the duty of county auditors to procure the appraisement of all school sections as originally made, and which are not recorded in pursuance to any law heretofore in force, and record the same on the record of the board of commissioners, and shall enter a plat of the sections on the tract book, and the names of the purchasers, and also enter the same on the register of sales, together with the names of the purchasers, in the same manner as now required by law.

SEC. 2. All sales heretofore made of school sections, be and the same are hereby legalized and made as effectual as though all the provisions of the law which were in force at the time of making said sales, were fully and technically complied with, and all estates in and to school sections, or any parts thereof, which have been thus sold, be and the same is hereby vested in the purchasers thereof, and their assigns; and upon final payment of the purchase money, the county auditors are authorized and required to make and execute to the purchasers thereof, or their assigns, deeds of conveyance, as in other cases: *Provided*, the taking effect of this act shall in no wise impair the congressional township funds in any township.

## CHAPTER LXIX.

*AN ACT to provide for a uniform enumeration of the sub-divisions of sections and quarter sections in the township of land, in Monroe county, reserved for a State Seminary; and for making out and recording the plats of such sub-divisions, and the compensation therefor.*

(APPROVED JANUARY 22, 1852.)

## SECTION

1. Commissioner of reserved township to make out plats, same to be recorded.

## SECTION

2. Compensation for such services.

WHEREAS, a portion of the section of the seminary township, in Monroe county, lying south of Bloomington, was sub-divided into lots numbered from one to eighty, and the plat of such numbered sub-divisions was duly recorded; and, subsequently, the two sections of the same township, known as the east and west sections, were divided into sub-divisions which were also platted and recorded, but the last named sub-divisions were numbered in such manner that the numbers of the sub-divisions of each quarter section were the same as those of the sub-divisions of every other quarter of said east and west sections; by means of which repetitions of numbers, great confusion is likely to arise in the descriptions and conveyances of said sub-divisions; and with the view to prevent such confusion, and to protect the interests of purchasers of such lands;

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the commissioner of said reserved township to make out a plat or plats of any of the lands in said township, whether of lands heretofore platted or of the residue of such lands, with sub-divisions which shall be numbered in consecutive order, in such manner that no two of such sub-divisions shall have the same number; and shall procure such plat or plats to be recorded in the office of the recorder of Monroe county; and the plat or plats in this section designated, shall, in all conveyances thereafter made, be taken as the true plats of such sub-divisions, and all descriptions of any such sub-divisions, by reference to the numbers in this section prescribed, shall be held and taken as a sufficient description thereof.

SEC. 2. The said commissioner shall be entitled to retain of the seminary funds in his hands, a sum sufficient to compensate him for making out and numbering such plat or plats, and to cover the expense of recording the same; such compensation in no case to exceed the sum of ten dollars, aside from the recorder's fee.



## CHAPTER LXX.

*AN ACT to provide that purchasers of real estate forfeited to the sinking fund, who are the legal owners, but who have purchased the State's interest for a sum greater than that due the State and interest thereon, shall not be compelled to pay to the commissioners of the fund, the overplus nor interest thereon.*

(APPROVED JUNE 17, 1852.)

## SECTION

1. Duty of commissioners of sinking fund in certain cases.

## SECTION

2. Emergency declared.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, If any person shall purchase any real estate mortgaged to the sinking fund of this State, and forfeited thereto, and such real estate shall be sold by the State, or the commissioners of said fund for a sum greater than the amount due the fund, such commissioners shall not require the sum due over the amount due the State, nor the interest on such overplus, upon satisfactory proof to such commissioners, that the purchasers are the legal owners of such real estate; but such commissioners shall only exact from such purchasers the amount actually due the State, with legal interest thereon.

SEC. 2. As there are doubts as to the true construction of the laws regulating the disposition of real estate forfeited to the sinking fund, and it is desirable in consequence of the pendency of various cases in which the subject matter of this act is involved, that the difficulty should be removed, this act is declared a case of emergency, and this act shall be in force from and after its passage.

## CHAPTER LXXI.

*AN ACT providing for the erection of buildings appertaining to the State Prison.*

(APPROVED MARCH 9, 1852.)

## SECTION

1. Governor shall cause certain buildidgs to be erected for use of State Prison,

## SECTION

2. Emergency declared:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor shall cause to be erected forthwith such buildings as he may deem necessary for the use of the State Prison, by and under his direction, and that he appoint some person to superintend the building of the same.

SEC. 2. It is hereby declared that an emergency exists in consequence of a part of the penitentiary buildings having been consumed by fire, and that this act shall be in force from and after its passage.

## CHAPTER LXXII.

*AN ACT authorizing the State Librarian to contract for re-covering the State House with fire and water proof composition roofing material, or Boston sheet paper, also for the re-painting of the outside wood-work, and the necessary plastering to the same.*

(APPROVED APRIL 23, 1852.)

## SECTION

1. State Librarian authorized to contract for re-covering State House.

## SECTION

2. Emergency declared.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State Librarian be and he is hereby authorized to contract for re-covering the State House with fire and water proof composition roofing material, or Boston sheet paper, at a cost not to exceed six dollars per square; also to contract for the necessary re-



pairs to the plastering, at a cost not to exceed three hundred and fifty dollars, and to procure the outside woodwork of said building to be re-painted, on as favorable terms as the same can be had, the same to be paid for out of any money in the treasury not otherwise appropriated.

SEC. 2. Inasmuch as it is necessary that the said State House should be re-covered without further delay, an emergency is declared to exist rendering it important that this act should take effect immediately; this act therefore shall take effect and be in force from and after its passage.

### CHAPTER LXXIII.

*AN ACT to amend the tenth and eleventh sections of article two, of chapter twelve, of part one, of the Revised Statutes of 1843, on the subject of enlisting property for taxation.*

(APPROVED JANUARY 6, 1852.)

SECTION 1. Time, &c. of listing property for taxation.	SECTION 2. When to take effect—duty of Secretary of State.
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WHEREAS, By the laws now in force the enlistment of property for taxation is to commence on the first day of January, but the lien for taxes does not attach until the first day of March; and an emergency exists for the immediate taking effect of this act, to the end that such lien shall attach at the commencement of such enlistment for the year 1852 and afterwards; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That sections ten and eleven of article 2, of chapter 12, and part 1, of the revised statutes, be amended to read and be as follows, namely: every person shall be listed in the township where he resides when the enlistment is made, for all personal property owned by him on the first day of January of the year in which the same is made, including all personal estate held by him in his own right, or in his possession, or under his control, as trustee, guardian, executor, or administrator; every person shall be listed in the township where he resides when the enlistment is made, for all lands by him owned within the township where such person resides, on the first

day of January of the year in which the same is made, and occupied by him or wholly unoccupied, including all such real estate owned or held by him as trustee; and for all other lands owned by any such person in any other township in the county on the first day of January of the year in which the enlistment is made, such person shall be listed therefor in the township or townships in which any of such lands may be situated, and not elsewhere, including all lands owned or held by him as trustee as aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage, and shall be published in the Indiana Journal, the Indiana Statesman, and the Indiana State Sentinel; and it is hereby made the duty of the Secretary of State to forward, without delay, a certified copy of this act to each of the county auditors in this State.

### CHAPTER LXXIV.

*AN ACT to provide for the speedy redemption of the outstanding Treasury notes of the State of Indiana.*

(APPROVED MARCH 1, 1852.)

SECTION 1. State Treasurer to give notice to holders of State Scrip.	SECTION 3. Appropriation for redemption of Treasury notes.
2. Notice to be given in newspapers of Indianapolis.	4. Emergency declared—act to be published in certain newspapers.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That immediately on the taking effect of this act, it shall be the duty of the Treasurer of State to give notice to the holders of all out-standing Treasury notes heretofore issued by the authority of the State of Indiana and which are receivable for public revenues, that the State is prepared to redeem, at the office of the Treasurer of State, all such Treasury notes; and that interest thereon shall cease to run after the expiration of sixty days from the date of such notice.

SEC. 2. The notice contemplated in the first section of this act shall be given by advertisement, for at least sixty days, in three newspapers of general circulation published in the town of Indianapolis.

SEC. 3. Any money in the Treasury, not otherwise appropriated, is hereby appropriated to be employed by the Treasurer of State for the redemption of all such Treasury notes, in this act mentioned, as may be presented, to him for that purpose: *Provided*, the Treasurer



shall not allow nor pay interest on any of such Treasury notes beyond the term to be limited in the notice provided for in this act.

SEC. 4. Whereas in the opinion of the General Assembly, an emergency exists for the immediate taking effect of this act, to the end that the State may not be needlessly subjected to the payment of interest, it is further enacted, as aforesaid, that this act shall take effect and be in force from and after its passage and publication in the Indiana State Sentinel, the Indiana Statesman and the Indiana State Journal.

## CHAPTER LXXV.

*AN ACT to amend the third section of an act entitled "an act to incorporate the White River Navigation Company," approved February 13th, 1851, and to extend the rights and privileges of said company.*

(APPROVED JUNE 16, 1852.)

SECTION 1. White River Navigation Company to enjoy the right of exclusive navigation for thirty years upon certain conditions.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said White River Navigation Company, and their assigns shall have, and enjoy the sole and exclusive right for the term of thirty years from the passage of this act, to navigate White River with vessels propelled by steam or other power used in lieu of steam, from the mouth of the East fork of White River to the feeder dam in Morgan county, or to any point above said dam by them improved as provided in the act to which this is amendatory, upon the condition that said company shall within six years from the passage of this act, improve the navigation of said White River so as to navigate and run boats propelled by steam, or other power used in lieu thereof, and adapted to the carrying of freight and passengers over the whole distance aforesaid, at least three months in each year; *Provided*, nothing in this act shall be construed to exclude the free navigation of said White River from the mouth of the East fork of White River to Point Commerce, by boats propelled by steam or other power used in lieu thereof, at such stage of water, that boats propelled by steam could safely navigate that part of said River if the improvement contemplated and made under this act, had not been made: *And provided further*, that said company are not authorized by virtue of this act to remove the following mill dams, viz:

that of Berry and Merrill and of Andrew Palmer near Maysville in Daviess county, that of Thomas Clark in Greene county, formerly known as Tally's dam, that of George W. Moore in Owen county, formerly known as Abrell's dam, that of Findley B. Johnson in Owen county, near Spencer, heretofore erected in said River, but may make suitable locks through or around the same.



JOINT RESOLUTIONS  
OF THE  
GENERAL ASSEMBLY OF INDIANA.

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CHAPTER I.

A Joint Resolution relative to granting Public Lands to settlers.

(APPROVED JANUARY 3, 1852.)

*Be it Resolved by the General Assembly of the State of Indiana,* That our Senators are instructed, and our Representatives requested to procure the enactment of a law restricting the right of entry of the public lands to settlers, and to them in limited quantities, but free of all costs and charges, save the mere cost of surveying and patenting the same.

*Resolved, further,* That his Excellency, the Governor, is requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

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CHAPTER II.

A Joint Resolution in favor of the Hungarian Patriots.

(APPROVED JANUARY 3, 1852.)

**WHEREAS,** The General Assembly, deeply sympathizing with the people of Hungary in their recent struggle for freedom, by Joint Resolution of the 14th January, 1850, requested their Senators and Representatives in Congress to recommend to the General Government the propriety of using all its power and influence in order to obtain the pardon and release of those brave men who defended their country and her sacred cause;



AND WHEREAS, LOUIS KOSSUTH, late Governor of Hungary, and his brave compatriots in confinement, having been released from their imprisonment, through the intercession of the General Government, and are now the guests of the American people; therefore,

*Be it Resolved by the General Assembly of the State of Indiana,* That we, in the name and in behalf of the people of our beloved State, tender to Louis Kossuth, late Governor of Hungary, and his brave compatriots, a cordial welcome to the capital of Indiana, and that they be received by the Governor as the guests of the State.

SEC. 2. *And be it further resolved,* That a copy of this Joint Resolution be forwarded by the Governor to his Excellency, Louis Kossuth, late Governor of Hungary.

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### CHAPTER III.

A Joint Resolution relative to William Smith O'Brien and others.

(APPROVED JANUARY 6, 1852.)

*Be it Resolved by the General Assembly of the State of Indiana,* That our Senators and Representatives in Congress be requested to use all their proper influence with the government of the United States to mediate with the proper authorities of the British crown, for the release of William Smith O'Brien, John Mitchell, Thomas Francis Meagher, and other gallant Irishmen from their exile in an English penal colony.

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### CHAPTER IV.

A Joint Resolution in relation to a donation of public lands for a Geological, Agricultural, and Topographical survey.

(APPROVED JANUARY 12, 1852.)

*Be it Resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and Representatives

requested to use their votes and influence to effect the passage of a law giving to the States respectively, in which there is so much unsold public lands, one township in each land office district, to be applied by the proper authorities of the State for the purpose of making a Geological, Agricultural and Topographical survey of such State.

*And be it further Resolved,* That his Excellency, the Governor, be and is hereby authorized to furnish each of our Senators and Representatives a copy of this Joint Resolution; also, one copy to each of the Governors of the several States, and request them to lay the same before their Legislatures.

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### CHAPTER V.

A Joint Resolution in favor and behalf of the Cuban prisoners condemned by the Spanish authorities and now imprisoned in Spain.

(APPROVED JANUARY 12, 1852.)

*Be it resolved by the General Assembly of the State of Indiana,* That the State of Indiana through her representatives in General Assembly declares her sympathy for those unfortunate American citizens who were engaged with General Lopez in an expedition against the Spanish authorities on the island of Cuba, and were captured whilst engaged in the expedition, and are now imprisoned by Spanish authority in Spain.

*And be it further resolved,* That our Senators be instructed and our Representatives in Congress requested to use all proper means, consistent with international law and treaty stipulations to procure as speedily as possible the release of said prisoners and their restoration to the United States.



## CHAPTER VI.

A Joint Resolution in relation to mistakes in the purchase of lands in the State of Indiana.

(APPROVED JANUARY 21, 1852.)

WHEREAS, It is represented and believed that various persons have entered lands (and located land warrants) of the United States at the proper offices in the State of Indiana within the last four years, which said lands it is now represented were, before the same were purchased of the United States by said individuals, selected and appropriated for the use of the Wabash and Erie canal;

AND WHEREAS, In many instances the persons purchasing said lands after said purchase and before they were notified that the said lands, so by them purchased, had been selected as aforesaid, had made upon the same, lasting and valuable improvements.

AND WHEREAS, Said persons have been lately informed by the proper United States' officers, that they are authorized to refund to them the original purchase money without interest; and are not authorized to pay them for the improvements so made as aforesaid;

AND WHEREAS, In consequence of said mistakes made by said officers of the United States, said persons are compelled to abandon their said lands and improvements; therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed and our Representatives requested to use their influence to procure the passage of an act of Congress if necessary for the relief of all persons aggrieved as aforesaid by paying their interest upon the said purchase money, and damages to the value of said improvements.

That the Governor be instructed to forward a copy hereof to each of said Senators and Representatives in Congress; this joint resolution to be in force from and after its passage.

## CHAPTER VII.

A Joint Resolution instructing our Senators and requesting our Representatives in Congress to procure the site for a National Armory on the waters of the Ohio River, at Evansville within the State of Indiana.

(APPROVED JANUARY 28, 1852.)

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives respectfully requested to procure the passage of an act of Congress, authorizing the location of a site for a National Armory at Evansville, on the waters of the Ohio river, within the boundaries of the State of Indiana.

*Be it further resolved,* That copies of this joint resolution be forwarded by the Governor of the State, to each of our Senators, and Representatives in Congress.

## CHAPTER VIII.

A Joint Resolution in relation to constructing a canal around the Falls of the Ohio River.

(APPROVED JANUARY 30, 1852.)

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives earnestly requested, to use every exertion to procure an appropriation during the present session of Congress, for the purpose of constructing a canal on the Indiana side, around the Falls of the Ohio river.

*And be it further resolved,* That his Excellency, the Governor, be requested to transmit, immediately, copies of this joint resolution to each of our Senators and Representatives in Congress.



## CHAPTER IX.

A Joint Resolution for the purpose of obtaining from the General Government a grant of the unsold lands belonging thereto, in the Vincennes district, for the benefit of common schools.

(APPROVED JANUARY 30, 1852.)

WHEREAS, There remains a considerable number of acres of vacant land in the Vincennes district, in this State, belonging to the general government, and which although offered for sale for upwards of thirty years at the minimum price of \$1 25 per acre, still remain unsold;

AND WHEREAS, The said government heretofore donated 12,000 acres of said lands for the benefit of completion of the Wabash and Erie canal leaving a residue still unsold and vacant;

AND WHEREAS, A large number of the 16th sections in each congressional township, heretofore granted by said general government for school purposes, fell by virtue of said grant, on poor, hilly, broken land in said district, and are almost of no value for the purpose intended, the same remaining unsold and unsaleable; wherefore for the purpose of placing the common schools on a more permanent footing, we pray that the lands remaining so unsold may be granted by said government for the use of common schools;

*Be it therefore resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed and our Representatives requested, to use all necessary and proper means with the general government, for the purpose of obtaining a donation of the vacant unsold lands in the land office district of Vincennes for the benefit of common schools.

*And be it further resolved,* That the Governor be and is hereby instructed to forward a copy of this resolution to our Senators and Representatives in Congress as early as possible.

## CHAPTER X.

A Joint Resolution directing the publication of the Constitution of this State.

(APPROVED FEBRUARY 19, 1852.)

*Be it resolved by the General Assembly of the State of Indiana,* That it shall be the duty of the Secretary of State to cause the constitution of this State to be printed and published in the volume that shall contain the acts of the present General Assembly.

## CHAPTER XI.

A Joint Resolution on the subject of emigration to Oregon and the Pacific coast.

(APPROVED FEBRUARY 19, 1852.)

WHEREAS, It is unsafe for citizens of the States to emigrate to Oregon, or the Pacific coast, by the overland route, rendered so by the depredations of Indians or other persons; and believing, that it is but just, and right that those persons emigrating to the far west should receive protection from the general government, &c.; therefore,

*Resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives requested to use their influence to procure as speedily as may be practicable, protection from the general government, to those citizens, who may emigrate to the Oregon territory or Pacific coast, &c.

*Resolved further,* That his Excellency the Governor be requested to transmit immediately, a copy of this resolution to each of our Senators and Representatives in Congress.



## CHAPTER XII.

A Joint Resolution asking the passage of a law by Congress, authorizing the State of Indiana to sell the Saline lands that remain unsold, at such price as may be deemed right by the General Assembly of the State.

(APPROVED FEBRUARY 20, 1852.)

WHEREAS, By an act of Congress, approved July 3, 1832, all the saline lands belonging to the general government, and lying within the State of Indiana, was given to the State to be sold and the proceeds applied to educational purposes;

AND WHEREAS, One third of the entire quantity, or seven thousand acres of said saline lands lying in the county of Orange remain unsold, and it is believed will not sell at the minimum price fixed upon the same; therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed and our Representatives requested to use their influence to procure the passage of a law authorizing the State of Indiana, to sell the unsold portion of said saline lands, at such price as in the opinion of the General Assembly of said State, they will bring.

*Resolved further,* That the Governor be requested to forward a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

## CHAPTER XIII.

A Joint Resolution relating to the Harbor at Michigan City.

(APPROVED FEBRUARY 20, 1852.)

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives requested to use all reasonable exertions to procure an appropriation during the present session of Congress, for the further prosecution and completion of the harbor at Michigan City, in the State of Indiana.

*Be it further resolved,* That his Excellency the Governor, be requested to transmit copies of this joint resolution to each of our Senators and Representatives in Congress.

## CHAPTER XIV.

A Joint Resolution asking a more liberal construction of the act of Congress of May 9, 1848.

(APPROVED FEBRUARY 20, 1852.)

WHEREAS, by an act of Congress, approved May 9th, 1848, the State of Indiana was authorized to select out of any lands in the State subject to private entry on the first of April, 1848, the quantity of 35,319 acres, in place of that number of the original selections rejected on account of pre-emption rights, and by the same act there was granted to the State such additional quantity as she might be found entitled to, to make up the full quantity equal to one-half of five sections in width on each side of the canal; and

WHEREAS, the trustees of the Wabash and Erie canal caused the line of said canal, from the State line to Terre Haute, to be carefully traced and marked, and a map of the same sent to the Department at Washington, accompanied by a statement exhibiting the quantity of land which the State was entitled to select under the provisions of said act of May 9, 1848, which quantity was estimated at 149,246 acres, in making which estimate the said trustees considered that the navigable feeders of the canal were to be embraced in the computation, as constituting necessary parts of the canal, and equally entitled to the aid designed to be given by the acts of Congress towards the cost of construction as the main line; and

WHEREAS, the commissioner of the general land office, after careful examination, admitted the correctness of the calculations of the quantity to which the State was entitled, and allowed the quantity for the main line of the canal, amounting to 113,306 96-100 acres, but refused to allow the quantity for the said navigable feeders, amounting to 33,066 acres; therefore

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators be instructed and our Representatives requested, to procure the passage of a law by Congress, giving such construction to the act of May 9, 1848, as will cause the commissioner of



the general land office, to allow to the State her claim to select 33,066 acres of land for the navigable feeders of the Wabash and Erie Canal.

*Resolved*, That the Governor be requested to forward to our Senators and Representatives in Congress a copy of this preamble and resolution.

## CHAPTER XV.

A Joint Resolution on the subject of an Agricultural Bureau at Washington City.

(APPROVED MARCH 2, 1852.)

**WHEREAS**, The interest of agriculture requires that an agricultural bureau should be established by the general government, for the purpose of disseminating useful knowledge relating to agricultural pursuits, establishing an interchange of seeds and plants, and analyzing the different soils and products of our country;

**AND WHEREAS**, To carry into successful operation these great and common objects, qualifications are required very different from those essential to the proper management of the other departments of our national government; therefore,

*Be it resolved by the General Assembly of the State of Indiana*, That our Senators and Representatives in Congress, be and they are hereby requested to use their best exertions to have speedily established a bureau of agriculture, based upon an economical, but efficient system, and separated from all matters not agricultural.

**SEC. 2.** That the Governor of the State be and he is hereby requested to transmit copies of this joint resolution, to each of our said Senators and Representatives.

## CHAPTER XVI.

A Joint Resolution on the subject of a ship canal around the rapids of the St. Mary's River connecting Lake Superior with the other northern lakes.

(APPROVED MARCH 2, 1852.)

**WHEREAS**, Indiana is deeply interested in the commerce of the lakes, in the settlement, development, and prosperity of the States bordering upon them, and in the improvements necessary to render their navigation safe, cheap and convenient to her own and their citizens;

**AND WHEREAS**, The obstruction occasioned by the rapids of river St. Mary at the town of Sault St. Mary, connecting Lake Superior with the great chain of lakes, are insurmountable by vessels of any class, and by this means the vast iron and copper mines, and the valuable fishing and lumber of that extensive region are cut off from improvement, from settlement and trade;

**AND WHEREAS**, We are unwilling that the citizens of the United States should be tributary to the British government for the use of a canal which is in prospect of construction on the Canada shore;

**AND WHEREAS**, In common with Wisconsin, Illinois, Michigan, Ohio, Pennsylvania and New York bordering upon the great lakes, we feel that this is a work of national importance, a work that will open a market for the products of our soil, a home for our emigrants, and to our enterprize, the richest copper and iron mines of the world: therefore,

*Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives requested to use their influence in procuring the passage of a bill which shall secure the speedy construction of a ship canal around the rapids of the St. Marys river, connecting Lake Superior with the other great lakes.

*Be it further resolved*, That his Excellency the Governor, be requested to transmit copies of this joint resolution to each of our members in Congress at the earliest practicable period.



## CHAPTER XVII.

A Joint Resolution asking an appropriation of Congress to erect public buildings in the city of Indianapolis.

(APPROVED MARCH 2, 1852.)

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators be instructed and our Representatives requested to use all reasonable exertions to procure an appropriation from the Congress of the United States, to aid in the erection of a building on the square in the centre of the city of Indianapolis commonly known and designated on the plat of said city as the Governor's circle, for the use of the United States and of this State.

*And be it further resolved,* That his Excellency the Governor, be directed to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

## CHAPTER XVIII.

A Joint Resolution on the subject of the slave trade, and for the purpose of Colonization.

(APPROVED MARCH 4, 1852.)

**WHEREAS**, considerations of philanthropy and patriotism alike demand an earnest effort to suppress the African slave trade so long a reproach to the Christian world, and a base outrage upon an unfortunate race of our fellow men:

**AND WHEREAS**, the praiseworthy efforts heretofore employed for that purpose have proved ineffectual, Therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That it is the judgment of said General Assembly that some other and more efficient policy should be adopted on that subject.

*Resolved further,* That it is the judgment of said General Assembly that it is the duty of the Government of the United States of America, as the leading nation of the world in advancing and maintaining the cause of civil and religious liberty, and meliorating the

unfortunate condition of mankind every where, by all proper and lawful means to use the necessary power to crush effectually this revolting piracy.

*Resolved further,* That reason dictates and experience has shown that this crime against our race, and the just laws of God, can be more certainly put down, than by any plan heretofore tried, by the planting and rearing to maturity and power, colonial States upon the African coast, with republican forms of Government, from the free black population of the United States; and that it is the duty of the Congress of the United States and of the Legislatures of each of the States of this Union, to enact such laws in harmony with each other, as would promote a general system of colonization, not only for the purpose of suppressing the African slave trade, but also to separate as far as possible the white and the black race upon this continent, by sending off where they might consent to it, all colored persons in the United States except those who may be held in service, to such colonial States, without cost, and providing for their comfort there for a reasonable period afterwards; thus making some compensation to an injured race for the wrongs and oppressions of ages, and relieving ourselves from a population which although amongst, can never be of us, in social or political rights; and for that cause are at all times liable to become a source of public charge, and of public annoyance in each State where they may reside, and of causing irritation and bad neighborhood in the feelings of the States themselves.

*Resolved further,* That our Senators in Congress be instructed and our Representatives requested to use their efforts to procure the passage of laws by the Congress of the United States, and that all the sister States of this Union, be likewise earnestly requested to co-operate by similar laws for the promotion of the foregoing objects.

*Resolved further,* That the Governor forward a copy of these resolutions to each of our Senators and Representatives in Congress, to the Governors of all the States of the Union, and to the heads of the leading colonization societies in the United States, and that he be requested to open a correspondence with such societies and other persons, within his discretion who may be devoted to the objects aforesaid with a view to elicit information generally upon the subject, and especially to obtain plans best calculated to promote the objects above contemplated. And that he be further requested to lay such information before the General Assembly of this State at its next annual meeting, with such recommendations touching them and the cause of colonization as to him shall seem advisable.



## CHAPTER XIX.

A Joint Resolution relative to Bounty Lands.

(APPROVED APRIL 29, 1852.)

WHEREAS, the present law allowing bounty land to soldiers of the war of 1812, and to their widows and children, provided said widows have not married since the death of their husbands, or said children shall not have arrived at the age of twenty-one years, is manifestly unequal and unjust in its operation:

*Be it therefore resolved*, That our Senators in Congress be instructed, and our Representatives requested to use their influence to procure the amendment of the said bounty land law, so as to place all the widows of soldiers of said war whether they shall have married again or not, and all their children whether over twenty-one years of age or not, on equal footing, in regard to the benefits of said law. And that the Governor be instructed to forward a copy of this resolution, immediately after its passage, to each of our Senators and Representatives in Congress.

## CHAPTER XX.

A Joint Resolution on the subject of donating the Government Lands in the State of Indiana, to the State.

(APPROVED MAY 20, 1852.)

*Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress, be instructed, and our Representatives requested, to use every reasonable exertion to so amend *Senate Bill*, donating the public lands of the State of Ohio, to said State, as to extend the conditions of the grant to the State of Indiana.

*Be it further resolved*, That His Excellency the Governor, be requested to transmit copies of this joint resolution to each of our Senators and Representatives in Congress.

## CHAPTER XXI.

A Joint Resolution in relation to declaring the Bridge over the Ohio River, at Wheeling, Virginia, a Post Route.

(APPROVED MAY 31, 1852.)

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That it is the opinion of this General Assembly, that a bridge over the Ohio River at Wheeling, Virginia, is necessary to the safe and speedy transmission of the United States mail: and that our Senators in Congress be instructed and our Representatives requested to vote for the passage of an act declaring said bridge a post route.

SEC. 2. *Resolved*, That His Excellency the Governor be requested to forward a copy of this joint resolution to each of our Senators and Representatives in Congress.

## CHAPTER XXII.

A Joint Resolution in relation to the Indiana Normal University for the education of females.

(APPROVED MAY 20, 1852.)

WHEREAS, The Congress of the United States have granted to the State of Indiana, for the use of a seminary of learning, two entire townships of land;

AND WHEREAS, The income of said grant has ever been applied for the exclusive benefit of males;

AND WHEREAS, Females are entitled to an equal participation in every provision which is made to promote general education;

AND WHEREAS, It is just and proper, that while so much has been done to prepare our sons for the business of life, by the endowment of numerous institutions for their benefit, that some public effort and expenditure should be made to fit our daughters, not merely for a business by which they may gain for themselves an honorable livelihood, but render most important services in the general education of the State; therefore,



*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives be requested, to use their influence and efforts to obtain from Congress, a grant of lands, equal in amount of acres to two entire townships of land, for the support of a seminary of learning for the education of females, to be styled, the Indiana Normal University for the education of females.

*Be it further resolved,* That the Governor be requested to forward our Senators and Representatives in Congress a copy of these resolutions.

### CHAPTER XXIII.

A Joint Resolution authorizing the Secretary of State to publish and circulate an act to provide for the incorporation of Railroad companies, an act to authorize and regulate the business of General Banking, an act to establish the courts of Common Pleas, an act to regulate the sale of the Swamp Lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant, an act to divide the State into congressional districts, and an act to submit to the voters of the counties of Perry and Spencer, at the general election of the year 1852, a proposal to create a new county.

(APPROVED JUNE 9, 1852.)

*Be it resolved by the General Assembly of the State of Indiana,* That the Secretary of State be and is hereby authorized and required to have published in pamphlet form the act to provide for the incorporation of Railroad companies, an act to authorize and regulate the business of general banking, an act to establish courts of common pleas, an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant, an act to divide the State into congressional districts, and an act to submit to the voters of the counties of Perry and Spencer, at the general election of the year 1852, a proposal to create a new county, passed at the present session of the General Assembly, and forthwith forward a copy thereof to each of the clerks of the circuit courts of this State.

As an emergency exists for the immediate taking effect of this joint resolution, it is declared to take effect and be in force from and after its passage.

### CHAPTER XXIV.

A Joint Resolution memorializing Congress to pass an act placing certain surgeons on the same footing as surgeons regularly commissioned.

(APPROVED JUNE 10, 1852.)

*Be it resolved by the General Assembly of the State of Indiana,* That our Representatives in Congress be requested, and our Senators be instructed to use their influence in procuring the passage of an act of Congress to place upon the same footing as to bounty land and extra pay, with regularly commissioned surgeons, such assistant surgeons as were appointed by the commanding officers of either volunteer or regular regiments of the United States Army, and not duly commissioned as such, but who served for and during the term of eighteen months in the capacity of such assistant surgeons, in the late war with Mexico.

*And be it further resolved,* That the Governor be directed to forward a copy of this joint resolution to each of our Senators and Representatives in Congress.

### CHAPTER XXV.

A Joint Resolution in relation to the extension of time for the payment of claims due from certain citizens of this State to the bond holders.

(APPROVED JUNE 15, 1852.)

WHEREAS, By the act approved January 19, 1846, entitled "an act to provide for the funded debt of the State of Indiana and for the completion of the Wabash and Erie Canal," it was among other things provided that "all monies due and to grow due and remaining unpaid on account of sale or sales heretofore made of any canal lands," should be transferred to the trustees for the use of the bondholders;

AND WHEREAS, Said obligations due to the State were so transferred, some of which remain still unpaid and will soon fall due;

AND WHEREAS, Owing to various causes of embarrassment it will be



impossible for all those indebted to meet their payments at maturity;

AND WHEREAS, The State has on different occasions extended relief in similar cases by an extension of time; therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That the trustees of the Wabash and Erie Canal be respectfully requested to extend such further reasonable time to purchasers of Wabash and Erie canal lands as will enable them to meet their payments.

*Resolved,* That the Governor be requested to transmit a copy of these resolutions to said trustees.

## CHAPTER XXVI.

A Joint Resolution inviting and welcoming Thomas Francis Meagher to the hospitalities of the citizens of Indiana.

(APPROVED JUNE 17, 1852.)

WHEREAS, Thomas Francis Meagher a distinguished patriot and republican of Ireland, who was persecuted for his political opinions, by the supple minions of an unrelenting crown, for daring to propagate the doctrine of equal rights and privileges, and asserting for himself and his own Emerald Isle, those rights which have ever been held dear by the people of the gem of the sea.

AND WHEREAS, He was transported to a land rendered infamous, by the blighting ordinance of a king's signet, which has not only made Van Dieman's land the receptacle of the culprit and outcast of society, but carries with its very enunciation, guilt and contempt.

AND WHEREAS, Political and religious liberty, the cause for which he was ostracised his beloved, but down trodden country, is the most ennobling and the richest legacy inherited by the human race for their individual protection, self government, moral elevation, unrestrained intellectual, and physical happiness.

AND WHEREAS, We rejoice to learn that he has escaped the bloody clutches of his oppressors without compromising his parole of honor and is now breathing the free atmosphere of the United States; therefore,

*Be it resolved by the General Assembly of the State of Indiana,*

That we invite Thomas Francis Meagher to visit Indiana and bid him a hearty welcome to the hospitalities of her citizens, who deeply sympathise with him and his noble compatriots in their efforts to disenthral themselves from the tyranny of a bigoted crown.

*And further be it resolved,* That his excellency the Governor be requested to transmit a copy of this joint resolution to Thomas Francis Meagher.

## CHAPTER XXVII.

A Joint Resolution in relation to certain duties of the Wabash and Erie Canal trustees, in reference to the erection of Reservoirs in Clay county.

(APPROVED JUNE 17, 1852.)

WHEREAS, There is now erected and maintained in the county of Clay, by the trustees of the Wabash and Erie Canal, a feeder dam across Eel river, and also a large reservoir at Splunge creek in said county;

AND WHEREAS, Said trustees have refused to remove the timber from the ground covered by water in the pool of said dam and in said reservoir;

AND WHEREAS, We are informed said trustees are now proceeding to erect another reservoir at Birch creek in the centre of said county, and in a heavy timbered portion of the country;

AND WHEREAS, It is represented that said second reservoir is not necessary for the navigation of said canal, but is to be erected to furnish water power at certain points; therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That the said trustees of the Wabash and Erie Canal are hereby prohibited from erecting said second, Birch creek reservoir, unless the water to be thereby detained is absolutely necessary for the usual purposes of navigation on said canal, without diverting the same to the use of machinery.

*And be it further resolved,* That said trustees are hereby directed to clear the timber from the Splunge creek reservoir in said county.



## CHAPTER XXVIII.

A Joint Resolution on the subject of Bridges over navigable rivers.

(APPROVED JUNE 17, 1852.)

WHEREAS, The public convenience requires that bridges should be created at suitable points over rivers, which have been declared navigable;

AND WHEREAS, The erection of such bridges has hitherto been a source of litigation on the ground that they are obstructions of navigation;

AND WHEREAS, It is desirable that the rights of all should be defined and protected; therefore,

*Resolved, by the Senate and House of Representatives of the State of Indiana,* That our Senators in Congress be instructed and our Representatives be requested, to use their influence to procure the passage of a law authorizing the erection of bridges, with suitable and convenient draws, or of such height as not to obstruct the navigation over navigable rivers, and declaring that such bridges, when constructed according to the provisions of such law are not obstructions of navigation.

*And further resolved,* That the Governor be requested to transmit to each of our Senators and Representatives in Congress, a copy of this resolution.

## CHAPTER XXIX.

A Joint Resolution to require the Secretary of State to publish certain act therein named.

(APPROVED JUNE 17, 1852.)

*Be it resolved by the General Assembly of the State of Indiana,* The Secretary of the State is hereby required to publish in pamphlet form, and distribute the same to the several counties in proportion to their population, five thousand copies of "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1852;

Also, an act providing for a uniform system of common schools, approved June 14, 1852;

Also, an act to provide for electing electors for President and Vice President of the United States, approved May 20, 1852.

## CHAPTER XXX.

A Joint Resolution asking Congress for a grant of land to aid in constructing a Railroad from Anderson, Indiana, via Crawfordsville along the dividing ridge of Big and Little Vermillion rivers through Springfield, Illinois, and Hannibal, Missouri, to Fort Leavenworth.

(APPROVED JUNE 18, 1852.)

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators be instructed and our Representatives be requested, to procure the passage of a law of Congress granting land to aid in the construction of a railroad from Anderson, Indiana, through Crawfordsville, Indiana, thence along the ridge dividing the Big and Little Vermillion rivers through Indiana to Springfield, Illinois, thence through Hannibal, Missouri, to Fort Leavenworth.

*Be it further resolved,* That the Governor transmit a copy of these resolutions to each of our Senators and Representatives in Congress assembled.



THE STATE OF INDIANA, } SS:  
OFFICE OF SECRETARY OF STATE.

I, CHARLES H. TEST, Secretary of State for the State aforesaid, certify that I have compared the foregoing with the enrolled acts and joint resolutions from which they were taken, now on file in my office, and have found them correctly printed. A few words designated [thus.] were inserted by me, in order to aid the sense.

In witness whereof, I have hereunto set my hand, and affixed the seal of the  
[SEAL.] State, at the city of Indianapolis, this 11th day of August, A. D. 1852.

CHARLES H. TEST,  
Secretary of State.

## EXTRACTS

FROM THE

### REPORT OF THE AUDITOR OF STATE,

*For the year ending October 31, 1851.*

AUDITOR OF STATE'S OFFICE, }  
INDIANAPOLIS, November 20, 1851. }

#### *To the General Assembly:*

In compliance with the law requiring the Auditor of State "to exhibit to the General Assembly, at its annual meeting, a complete statement of the revenues, taxables, funds, resources, incomes, and property of the State," as well as "the expenditures of the preceding fiscal year," the following statement is respectfully submitted, showing the operations of the Treasury department for the fiscal year ending October 31st, 1851, and the condition of the finances at said date.

The several items are presented under the following heads:

- I. A General Statement of the Receipts and Expenditures of the State during the Fiscal Year.
- II. A Statement of the several appropriations, and of the amount expended, balances unexpended, and appropriations over drawn.
- III. The condition of the State Debt, Foreign and Domestic.
- IV. A Statement in detail of the Receipts and Expenditures of the various Trust Funds, and the Funds appropriated for the Benevolent Institutions.
- V. Internal Improvements.
- VI. The Common School Fund.
- VII. General Remarks.
- VIII. Appendix.



**I. A GENERAL STATEMENT of the Receipts and Expenditures during  
[the financial year 1851.]**

**RECEIPTS.**

Balance remaining in the Treasury at the close of the  
last fiscal year, October 31, 1850, ..... \$347,849 93

The following sums were received during the financial year which  
close October 31, 1851, to-wit:

**REVENUE.**

On account of revenue of 1849 .....	803 38
On account of delinquent revenue of 1849 .....	44,835 76
On account of revenue of 1850 .....	459,131 70
On account of delinquent revenue of 1850 .....	2,882 11

**UNIVERSITY FUND.**

On account of loans refunded .....	5,642 75
On account of sales of land, principal .....	410 22
On account of sales of land, interest .....	404 59
On account of interest on loans .....	5,095 80
On account of costs of advertising refunded .....	90 25
On account of damages on sales of land .....	44 58

**BANK TAX FUND.**

On account of loans refunded .....	335 00
On account of interest on loans .....	563 71
On account of State Bank assessment .....	4,697 04
On account of dividend on bank stock .....	39 60
On account of costs of advertising refunded .....	10 00

**SALINE FUND.**

On account of loans refunded .....	1,070 62
On account of interest on loans .....	1,583 44
On account of dividend on bank stock .....	246 21
On account of costs of advertising refunded .....	16 00

**SURPLUS REVENUE FUND.**

On account of loans refunded .....	\$140 00
On account of interest on loans .....	674 53
On account of advertising refunded .....	8 00
On account of damages on sales of lands .....	29 10

**CONGRESSIONAL TOWNSHIP FUND.**

On account of loans refunded .....	363 00
On account of interest on loans .....	82 50

**TREASURY FUND.**

On account of loans refunded .....	17 15
On account of interest on loans .....	8 10

**COMMON SCHOOL FUND.**

On account of profits of State Bank .....	54,599 09
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**INDIANAPOLIS LOTS.**

On account of sales of lots .....	200 00
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**HOSPITAL FOR THE INSANE.**

On account of sales of lots .....	520 32
On account of loan from bank .....	7,973 28
On account of proceeds of farm .....	240 05

**DEAF AND DUMB ASYLUM.**

On account of loan from bank .....	3,910 67
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**MADISON AND INDIANAPOLIS RAILROAD.**

On account of dividend on stock .....	4,691 33
On account of rent of road .....	1,154 08



## STATE'S PRISON.

On account of rent of prison..... 6,340 03

## NORTHERN DIVISION OF CENTRAL CANAL.

On account of sale of canal..... 3,058 55

## NEW ALBANY AND VINCENNES ROAD.

On account of tolls ..... 5,819 78

## REVISED STATUTES.

On account of sales of ..... 51 80

## WABASH AND ERIE CANAL BY TRUSTEES.

On account of tolls and water rents..... 173,407 55  
 On account of subscription by bondholders..... 50 00  
 On account of canal lands, E. & W. of Tippecanoe... 74,111 79  
 On account of canal lands, Vincennes district..... 115,198 67  
 On account of interest and exchange . 2,731 20  
 On account of miscellaneous receipts ..... 262 22

## MISCELLANEOUS.

On account of miscellaneous items ..... 17 86  
 On account of insurance tax..... 462 84  
 On account of sales of Michigan road lands ..... 235 70  
 On account of damages on swamp lands..... 57 00

Total amount of receipts from Nov. 1, 1850, to Oct.  
 31, 1851, inclusive..... 984,398 95  
 Add balance in treasury Nov. 1, 1850, ..... 347,849 93  
 Grand total of receipts..... \$1,332,248 88

## EXPENDITURES.

There were audited during the financial year ending October 31st, 1851, the followings sums, to-wit:

## ORDINARY EXPENSES.

On account of Probate Judges..... \$4,512 00  
 On account of Supreme and Circuit Judges..... 11,100 74  
 On account of State House..... 727 55  
 On account of specific appropriations..... 2,402 18  
 On account of public printing, paper and binding..... 9,815 74  
 On account of legislative expenses..... 30,420 85  
 On account of State Library..... 242 21  
 On account of the militia..... 259 15  
 On account of stationery and fuel..... 3,177 09  
 On account of executive department..... 4,272 39  
 On account of contingent fund, to-wit:  
 Postage for executive departments..... 351 74  
 Printing and records..... 40 75  
 Serving respites..... 37 60  
 Stationery..... 14 16  
 Attorney's expenses..... 16 75  
 Transportation of books..... 8 65  
 469 65  
 On account of Governor's Circle..... 7 43  
 On account of Governor's House..... 484 87  
 On account of State's Prison..... 3,425 16  
 On account of distributing laws and journals..... 493 35

## PUBLIC DEBT.

On account of interest for January and July..... 203,718 00  
 On account of salary of agent, Col. May..... 3,093 29  
 On account of expenses of agency..... 1,235 29

## TREASURY NOTES.

On account of five per cents. cancelled..... 72,335 00  
 On account of interest on same..... 27,142 18  
 On account of six per cents. cancelled..... 64,755 00  
 On account of interest on same..... 35,414 76  
 On account of quarter per cents. cancelled..... 3,400 00  
 On account of interest on same..... 61 92  
 On account of incidental expenses of..... 365 58



## UNIVERSITY FUND.

On account of loans.....	4,325 00
On account of interest refunded.....	8 60
On account of expenses of fund.....	697 09
On account of professors' salaries.....	3,475 00
On account of costs of advertising.....	239 32

## SALINE FUND.

On account of distribution of fund.....	3,689 23
On account of expenses of fund.....	236 09
On account of costs of advertising.....	57 44

## BANK TAX FUND.

On account of distribution of fund.....	2,588 44
On account of costs of advertising.....	26 00
On account of expenses of fund.....	93 93

## SURPLUS REVENUE FUND.

On account of distribution of fund.....	1,297 84
On account of costs of advertising.....	21 00
On account of expenses of fund.....	34 34

## CONGRESSIONAL TOWNSHIP FUND.

On account of fund distributed.....	553 37
On account of interest refunded.....	12 84
On account of expenses of fund.....	19 38

## TREASURY FUND.

On account of costs of advertising.....	6 00
On account of expenses of fund.....	3 30

## CENTRAL CANAL, NORTHERN DIVISION.

On account of repairs.....	55 60
On account of incidental expenses.....	1,013 42

## NEW ALBANY AND VINCENNES ROAD.

On account of construction.....	2,412 80
On account of repairs.....	3,248 15
On account of contingent expenses.....	972 32

## BENEVOLENT INSTITUTIONS.

On account of Deaf and Dumb Asylum.....	31,591 16
On account of Blind Asylum.....	12,125 00
On account of Insane Hospital.....	29,217 65
On account of Superintendent of Insane Hospital.....	1,000 00

## MISCELLANEOUS.

On account of claim of Beard.....	11,689 88
On account of new State's Prison.....	6,500 03
On account of M. & I. Railroad stock.....	2,600 00
On account of revenue refunded.....	205 62
On account of Constitutional Convention.....	82,536 57
On account of Blackford's Reports.....	1,976 00
On account of swamp lands.....	9,142 72
On account of damages on White Water Canal.....	198 50
On account of three per cent. fund, distributed.....	96 56
On account of State Board of Agriculture.....	246 14

## WABASH AND ERIE CANAL BY TRUSTEES.

On account of general expenses of trustees.....	16,298 58
On account of expenses of land office, Vincennes district.....	1,105 92
On account of expenses of land office east and west of Tippecanoe.....	1,530 16
On account of ordinary repairs.....	39,607 83
On account of extraordinary repairs.....	7,059 67
On account of surveys and locating.....	11,680 15
On account of construction, Terre Haute to Pt. Commerce,.....	8,389 44
On account of construction, Pt. Commerce to Newbury.....	34,412 64
On account of construction, Newbury to Maysville.....	83,270 35
On account of construction, Maysville to Petersburg.....	112,707 90
On account of construction south of Petersburg.....	18,352 30



On account of re-building bridges.....	3,555 18
On account of damages and water power.....	14,712 96
On account of superintendence .....	6,848 27
On account of expenses of collection.....	6,076 67
On account of interest to bondholders.....	48,665 25

## WABASH AND ERIE CANAL SCRIP.

On account of incidental expenses, scrip east.....	29 90
On account of incidental expenses, scrip west.....	40 48
On account of scrip east, principal cancelled.....	13,000 27
On account of scrip east, interest cancelled.....	3,611 03
On account of scrip west, cancelled.....	22,490 00

Whole amount audited during financial year 1851,  
warrants No. 5,203 to No. 6,500 inclusive.....\$1,150,988 66

## RECAPITULATION.

Balance in treasury Oct. 31, 1851.....	347,849 93
Receipts for 1851.....	984,398 95
	<u>\$1,332,248 88</u>
Deduct warrants as above.....	1,150,988 66
Balance in treasury Oct. 31, 1851.....	<u>\$181,260 22</u>

## II. SYNOPSIS of the Appropriations of 1851, including Balances of 1850, and showing amounts overdrawn, and unexpended, October 31, 1851.

	Appropriations for 1851, including balance of 1850.	Amount overdrawn in 1850.	Expenditure of 1851.	Balance unexpended.	Amount overdrawn.
Legislative Account.....	\$31,000 00		\$30,420 85	579 15	
Executive .....	6,510 00		4,272 29	2,237 61	
Judiciary .....	17,000 00		11,100 74	5,899 26	
Public Printing and Binding .....	7,000 00		9,815 74		\$2,815 74
Probate Judges .....	5,000 00		4,512 00	488 00	
Specific Appropriations.....	4,683 09		2,402 18	2,280 91	
State House.....	500 00		727 55		227 55
State Library .....	800 00		242 21	557 79	
Militia.....	300 00		250 15	40 85	
Governor's House.....	500 00		484 87	15 13	
Stationery and Fuel .....	3,317 59		3,177 09	140 50	
State's Prison.....	3,500 00		3,425 13	74 84	
Distribution of Laws and Journals..	700 00		493 35	206 65	
Transportation of Public Arms.....	100 00			100 00	
Contingent Fund.....	1,200 00		469 65	730 35	
Governor's Circle.....		25 34	7 43		32 77
Constitutional Convention.....	88,925 52		82,536 67	6,448 95	



## III. STATE DEBT.

## FOREIGN STATE DEBT.

Bonds issued for internal improvement system.....	\$8,900,000
Bonds issued for Wabash and Erie Canal.....	1,727,000
Bonds issued for State Bank of Indiana.....	2,413,000
Bonds issued for 4th instalment Surplus Revenue....	294,000
Bonds issued for Madison and Indianapolis Railroad.	456,000
Bonds issued for Lawrenceburgh and Indianapolis Railroad.....	221,000
Bonds, 7 per cent., issued to pay interest on bonds..	1,100,000
Making a total amount issued.....	<u>\$15,111,000</u>

## BONDS REDEEMED AND CANCELLED.

Surplus Revenue Bonds.....	\$294,000
Lawrenceburgh and Indianapolis Railroad Bonds....	189,000
Internal improvement Bonds.....	426,000
Irregular Bonds cancelled as not sold .....	700,000
Total redeemed and cancelled.....	<u>\$1,609,000</u>
Add for bonds on which the bank pays interest and is to redeem principal.....	1,390,000
Add for 7 per cent. bonds issued but never sold....	1,064,000
Making a total of.....	<u>\$4,063,000</u>
The whole amount issued as above is.....	<u>15,111,000</u>
Total amount of bonds outstanding prior to surrender under State debt arrangement with holders.....	<u>\$11,048,000</u>

## BONDS SURRENDERED.

*Wabash and Erie Canal Bonds.*

678 bonds surrendered by subscribers prior to July 1, 1847.....	\$678,000
277 bonds surrendered by non-subscribers prior to July 1, 1847, .....	277,000
164 bonds surrendered by subscribers to January 1, 1848.....	165,000

54 bonds surrendered by non-subscribers to Jan. 1, 1848.....	54,000
41 bonds surrendered by non-subscribers to July 1, 1848.....	41,000
8 bonds surrendered by non-subscribers to July 1, 1849.....	8,000
3 bonds surrendered by non-subscribers to February 4, 1850.....	3,000
24 bonds surrendered by non-subscribers to August 5, 1850.....	24,000
50 bonds surrendered by non-subscribers to Oct. 31, 1851.....	50,000
Total surrendered to Oct. 31, 1851.....	<u>\$1,300,000</u>

*Internal Improvement Bonds.*

5662 bonds surrendered by subscribers to July 1, 1847.....	\$5,662,000
353 bonds surrendered by non-subscribers to July 1, 1847.....	353,000
478 bonds surrendered by subscribers to January 1, 1848.....	478,000
146 bonds surrendered by non-subscribers to Jan. 1, 1848.....	146,000
45 bonds surrendered by non-subscribers to July 1, 1848.....	45,000
118 bonds surrendered by non-subscribers to July 1, 1849.....	118,000
92 bonds surrendered by non-subscribers to February 4, 1850 .....	92,000
79 bonds surrendered by non-subscribers to August 5, 1850.....	79,000
121 bonds surrendered by non-subscribers to October 31, 1851.....	121,000
Total surrendered to Oct. 31, 1851.....	<u>\$7,094,000</u>

*Madison and Indianapolis Railroad Bonds.*

300 bonds surrendered by subscribers to July 1, 1847, .....	\$300,000
28 bonds surrendered by non-subscribers to July 1, 1849.....	28,000



16 bonds surrendered by subscribers to January 1, 1848.....	16,000
2 bonds surrendered by non-subscribers to January 1, 1848.....	2,000
2 bonds surrendered by non-subscribers to July 1, 1848.....	2,000
4 bonds surrendered by non-subscribers to July 1, 1849.....	4,000
6 bonds surrendered by non-subscribers to February 4, 1850.....	6,000
7 bonds surrendered by non-subscribers to August 5, 1850.....	7,000
2 bonds surrendered by non-subscribers to October 31, 1851.....	2,000
Total surrendered to October 31, 1851.....	<u>\$367,000</u>

*Lawrenceburgh and Indianapolis Railroad Bonds.*

68 bonds surrendered by subscribers to July 1, 1847..	\$68,000
3 bonds surrendered by subscribers to Jan. 1, 1848..	3,000
1 bond surrendered by non-subscribers to January 1, 1848.....	1,000
4 bonds surrendered by non-subscribers to July 1, 1849.....	4,000
4 bonds surrendered by non-subscribers to August 5, 1850.....	4,000
Total surrendered to October 31, 1851.....	<u>\$80,000</u>

*State Bank Bonds.*

719 bonds surrendered by subscribers to July 1, 1847.	\$719,000
27 bonds surrendered by non-subscribers to July 1, 1847.....	27,000
52 bonds surrendered by subscribers to Jan. 1, 1848,	52,000
8 bonds surrendered by non-subscribers to January 1, 1848.....	8,000
4 bonds surrendered by non-subscribers to July 1, 1848.....	4,000
28 bonds surrendered by non-subscribers to July 1, 1849.....	28,000
7 bonds surrendered by non-subscribers to February 4, 1850.....	7,000

21 bonds surrendered by non-subscribers to August 5, 1850.....	21,000
12 bonds surrendered by non-subscribers, to October 31, 1851.....	12,000
Total surrender to October 31, 1851.....	<u>\$878,000</u>

*Seven Per Cent. Bonds issued to pay Interest.*

18 bonds surrendered by subscribers, to July 1, 1847,	\$18,000
3 bonds surrendered by non-subscribers, to July 1, 1847.....	3,000
1 bond surrendered by non-subscribers, to January 1, 1848.....	1,000
7 bonds surrendered by non-subscribers, to July 1, 1848.....	7,000
Total surrender to October 31, 1851.....	<u>\$29,000</u>

*Recapitulation.*

Bonds outstanding at period of arrangement of State debt, July 1, 1847.....	\$11,048,000
Amount surrendered up to October 31, 1851.....	9,748,000
Total outstanding October 31, 1851.....	<u>\$1,300,000</u>

**STATE STOCKS.**

*State Five Per Cent. Stock.*

The amount of half the principal of bonds surrendered chargeable to the State treasury, for which five per cent. State stock issued, is as follows, viz:

Stock to subscribers to July 1, 1847.....	\$3,722,500
Stock to non-subscribers to July 1, 1847.....	344,000
Stock to subscribers to January 1, 1848.....	357,000
Stock to non-subscribers to January 1, 1848.....	106,000
Stock to non-subscribers to July 1, 1848.....	49,500



Stock to non-subscribers to July 1, 1849.....	81,000
Stock to non-subscribers to February 4, 1850.....	54,000
Stock to non-subscribers to August 5, 1850.....	67,500
Stock to non-subscribers to October 31, 1851.....	92,500

Total five per cent. State stock to Oct. 31, 1851. \$4,874,000

*Two and one-half Per Cent. State Stock.*

The amount of one-half the interest and one per cent. of the principal of the bonds surrendered chargeable to the State treasury, for which State stock issued with interest, at the rate of  $2\frac{1}{2}$  per cent. commencing with 1853, is as follows, viz:

Stock to subscribers to July 1, 1847.....	\$1,327,948 00
Stock to non-subscribers to July 1, 1847.....	121,852 50
Stock to subscribers to January 1, 1848.....	126,530 00
Stock to non-subscribers to January 1, 1848.....	38,337 00
Stock to non-subscribers to July 1, 1848.....	18,675 00
Stock to subscribers for one-half of coupons on bonds surrendered to January 1, 1848.....	7,950 00
Stock to non-subscribers for one-half of coupons on bonds surrendered to July 1, 1848.....	1,325 00
Stock to non-subscribers for one-half of coupons on bonds surrendered to July 1, 1849.....	33,570 00
Stock to non-subscribers to February 4, 1850.....	23,375 00
Stock to subscribers for one-half of coupons on bonds surrendered to February 4, 1850.....	2,625 00
Stock to non-subscribers for one-half of coupons on bonds surrendered to February 4, 1850.....	2,762 50
Stock to non-subscribers to August 5, 1850....	31,690 00
Stock to non-subscribers for one-half of coupons on bonds surrendered to August 5, 1850.....	87 50
Stock to non-subscribers to October 31, 1851.....	42,967 50
Stock to non-subscribers for one-half of coupons on bonds surrendered to October 31, 1851.....	4,025 00

Total  $2\frac{1}{2}$  per cent. State stock issued to October 31, 1851..... \$1,783,720 00

Deduct for  $2\frac{1}{2}$  per cent. stock redeemed up to October 31, 1851..... 20,000 00

Total  $2\frac{1}{2}$  per cent. stock outstanding Oct. 31, 1851... \$1,763,720 00

*Preferred Five Per Cent. Canal Stock.*

The amount of one-half the principal of bonds surrendered chargeable to the canal, for which five per cent. stock issued to subscribers of \$800,000 to canal, is as follows, viz:

Stock to subscribers prior to July 1, 1847.....	\$3,722,500
Stock to subscribers to July 1, 1848.....	357,000

Total preferred canal stock issued to Oct. 31, 1851... \$4,079,500

*Deferred Five Per Cent. Canal Stock.*

The amount of one-half the principal of bonds surrendered chargeable to canal, for which five per cent. stock issued to non-subscribers to \$800,000 loan to canal is as follows, viz:

Stock to non-subscribers prior to July 1, 1847.....	\$344,000
Stock to non-subscribers to Jan. 1, 1848.....	106,000
Stock to non-subscribers to July 1, 1848.....	49,500
Stock to non-subscribers to July 1, 1849.....	81,000
Stock to non-subscribers to Feb. 4, 1850.....	54,000
Stock to non-subscribers to Aug. 5, 1850.....	67,500
Stock to non-subscribers to Oct. 31, 1851.....	92,500

Total stock issued to Oct. 31, 1851..... \$794,500

*Special Preferred Two and One-half Per Cent. Canal Stock.*

The amount of one-half of the interest on Wabash and Erie Canal Bonds surrendered chargeable to canal, for which  $2\frac{1}{2}$  per cent. stock issued to subscribers of \$800,000, as loan to canal, is as follows, viz:

Stock to subscribers prior to July 1, 1847.....	\$1,106,725 00
Stock to subscribers to July 1, 1848.....	98,950 00
Stock to subscribers for one-half of coupons surrendered to July 1, 1848.....	7,950 00
Stock to subscribers for one-half of coupons surrendered to August 5, 1850.....	2,625 00
Stock to subscribers for one-half of coupons surrendered to October 31, 1851.....	87 50

Total issued to October 31, 1851..... \$1,216,337 50



*Special Deferred Two and One-half Per Cent. Canal Stock.*

The amount of one-half the interest on Wabash and Erie Canal Bonds surrendered, chargeable to canal, for which 2½ per cent. stock issued to non-subscribers to loan of \$800,000 to canal, is as follows, viz:

Stock to non-subscribers prior to July 1, 1847.....	\$101,212 50
Stock to non-subscribers to Jan. 1, 1848.....	30,587 50
Stock to non-subscribers to July 1, 1848.....	13,725 00
Stock to non-subscribers, for one-half the coupons, to July 1, 1848.....	1,325 00
Stock to non-subscribers to July 1, 1849.....	22,250 00
Stock to non-subscribers to Feb. 4, 1850.....	15,950 00
Stock to non-subscribers, for one-half the coupons, to Feb. 4, 1850.....	2,762 50
Stock to non-subscribers to Aug. 5, 1850.....	19,500 00
Stock to non-subscribers, for one-half of coupons to Aug. 5, 1850.....	87 50
Stock to non-subscribers to October 31, 1851.....	23,587 50
Stock to non-subscribers for one-half of coupons to October 31, 1851.....	3,937 50
Total issued to October 31, 1851.....	<u>\$234,925 00</u>

*Recapitulation of Stocks issued.*

5 per cent. State stock.....	\$4,874,000 00
2½ per cent. State stock.....	1,783,720 00
5 per cent. preferred canal stock.....	4,079,500 00
5 per cent. deferred canal stock.....	794,500 00
2½ per cent. special preferred canal stock.....	1,216,337 50
2½ per cent. special deferred canal stock.....	234,925 00
Total stock issued to October 31, 1851.....	12,982,982 50
Deduct 2½ per cent. State stock redeemed.....	20,000 00
Total outstanding October 31, 1851.....	12,962,982 50
Stocks outstanding for which the credit of the State is pledged.....	\$6,637,720 00
Stocks chargeable on the Wabash and Erie canal.....	<u>\$6,325,262 50</u>

*INTEREST ON STATE DEBT.*

The amount of interest due and paid to October 31, 1851, under the arrangement with the bondholders, is as follows:

<i>Date of Dividends.</i>	<i>Amount.</i>	<i>Amount Paid.</i>	<i>Balance Unpaid.</i>
July 1, 1847.....			
January 1, 1848.....	\$82,880 00	\$82,880 00	
July 1, 1848.....	90,590 00	90,580 60	\$10 00
January 1, 1849.....	91,580 00	91,560 00	20 00
July 1, 1849.....	93,090 00	92,980 00	110 00
January 1, 1850.....	95,300 00	95,100 00	200 00
July 1, 1850.....	95,820 00	95,760 00	60 00
January 1, 1851.....	97,710 00	97,650 00	60 00
July 1, 1851.....	98,861 00	98,627 00	234 00
Total.....	\$845,271 00	\$842,987 00	<u>\$2,284 00</u>

*Expenses of Agency.*

The amount audited on account of the expenses of the agency in New York, from Aug. 5, 1850, to October 31, 1851, is as follows:

On account of salary of Agent.....	\$3,093 29
On account of incidental expenses.....	1,235 29
Total.....	<u>\$4,328 58</u>

Several discrepancies will be observed in comparing these statements with the report of the Agent of State, which were not discovered in time for correction by comparison of the books in the respective offices. The proper correction will be made in a supplemental report. The statement of the Agent is most probably correct.

*THE STATE STOCKS.*

The nature of the State debt arrangement of 1846 and 1847 is so little understood, and purchasers of stocks are so frequently imposed upon, through want of information as to the liability of the State, for the different descriptions of stock, that a few words of explanation are deemed necessary and proper in this connection.

The basis of the arrangement was to release the State from all liability for the payment of principal or interest on one-half of the outstanding debt, and to make such moiety of the debt chargeable



alone for its redemption upon the Wabash and Erie canal, its lands and revenues. The old bonds were to be surrendered, and new ones issued, for the State's portion of the debt as follows:

**FIRST**, for one-half the principal of the bond surrendered, to bear interest at four per cent up to January, 1853, and five per cent. thereafter, constituting **STATE FIVE PER CENT. STOCK**.

**SECOND**, for one-half the interest on the bond surrendered, and the difference between four and five per cent. on the principal to 1853; the new bond bearing interest at the rate of two and one-half per cent. per annum, from the 1st day of January, 1853, constituting "*Two and a-half per centum STATE deferred stock.*"

The above are the only stocks upon which the State is bound to pay either principal or interest, under the arrangement.

The **CANAL STOCKS** are divided into two classes, *Preferred* stocks, and *Deferred* stocks. The former are issued to the holder of original bonds, who at the time of surrendering the same, subscribed to the loan for the completion of the canal, and are entitled to *preference* in payment, both of principal and interest. The *deferred* stocks are issued to the holder of original bonds at the time of their surrender, who did *not* subscribe to the loan for the canal, and payment is therefore postponed or *deferred*, until the preferred stocks are entirely liquidated.

Two sets of stocks are issued in both of these cases, as in the case of state stocks; one for *principal*, bearing five per cent. interest, and the other for *interest*, bearing two and one-half per cent. interest. The former are termed "*Five per centum PREFERRED canal stocks*" or "*Five per centum DEFERRED canal stocks*," as the case may be; and the latter "*2½ per cent. special PREFERRED canal stock*" or "*2½ per cent. special DEFERRED canal stock.*"

For the payment of interest or principal on these canal stocks, it may be proper to repeat, the State is no wise bound. The revenues of the canal are appropriated by the Trustees, under the act, to the payment of liabilities incurred or assumed by the Trust, in the following order, as prescribed in section ten of the act supplementary to "An act to provide for the funded debt of the State of Indiana," Approved January 27, 1847. The section is here copied in full for the benefit of all interested:

**SEC. 10.** That in lieu and stead of the scale of distribution and application, as in the eighth and thirteenth sections of the said act directed, of the tolls and revenues of said canal, after defraying all needful and proper expenditures for repairs, attendance, and other necessary things, appertaining thereto, which shall be first paid, any thing in the said former act or this act, to the contrary notwithstanding; and of the produce of the said canal lands, (sold and unsold,) the same shall be held and applied by said trustees, in trust and security, for the uses and purposes following, that is to say:

*First*, In payment of the work, labor and materials, or contracts

for the supply of work, labor or materials, to be done and furnished in and about the further prosecution and construction of the said canal and works, until the same shall have been fully completed to Evansville, as the moneys to be paid for the same shall, from time to time, become due and payable; but not by way of anticipation, and of all needful and proper expenditure for repairs, attendance, and other causes, save and except so far as regards the *existing* tolls and revenues of the said canal, which are hereinafter declared to be expressly appropriated for and toward the payment of interest, at six per centum per annum, on the sums to be subscribed, for the completion of the said canal and works, and which existing tolls and revenues are hereby declared to be excepted from the operation of this clause to that extent:

*Secondly*, In payment of interest after the rate of six per centum per annum, on the sums to be respectively advanced by the holders of certificates to the said trustees, from time to time, in aid of the completion of the said canal and works, and to be computed from the respective times of advancing and paying such principal sums respectively, such interest to be payable in the city of New York, by equal half-yearly payments, on the first day of January, and the first day of July, in each and every year, the first half-yearly payment to be made on the first day of January, 1848:

*Thirdly*, In payment in full of the principal sums advanced, or to be advanced by the holders of certificates subscribing as aforesaid, for and toward the completion of the said canal and works, and from time to time remaining due:

*Fourthly*, In payment in full to the subscribers making the said advances, or to their assignees, of interest, at and after the rate of five per centum per annum, on the moiety of the principal of the bonds, which they may have surrendered and exchanged for certificates as aforesaid, such interest being, to be computed from the said first day of January, 1847:

*Fifthly*, In payment in full to the subscribers making such advances or their assigns, of the principal of the special stock to be issued to cover the arrears of interest due and accruing from the first day of January, 1841, to the first day of January, 1847, as fast as the same can be done, with interest on the same, at and after the rate of five per centum per annum, to be computed from the first day of January, 1843:

*Sixthly*, In payment in full to the subscribers making the said advances, or to their assigns, of the principal moneys secured by each such certificate, so charged over against the canal lands, and the tolls and revenues of said canal:

*Seventhly*, In payment in full to the other holders of any certificates of stock by the said act directed to be issued and charged as aforesaid, (such holder not being a subscriber to the said advance,) or their assigns, of interest at and after the rate of five per centum per annum, on the amount of the principal thereof:



*Eighthly*, In payment in full, to the holders of certificates of special stock to be issued and charged as aforesaid, (such holders not being subscribers to the said advance,) or their assigns, of the principal of such special stock, with interest on the same, at and after the rate of five per centum per annum, to be computed from the said first day of January, 1853:

*Ninthly*, In payment in full to the holders of such last mentioned certificates, (not being subscribers,) or their assigns, of the amount of the principal thereof respectively:

*Tenthly*, To pay into the treasury of the State, any surplus or balance which may remain in the hands of the said trustees, after making the several payments in the nine preceding classes mentioned; and, it is hereby declared, that such sums shall from time to time be paid and applied as soon as conveniently may be after the receipt thereof: saving the just rights of the holders of bonds now outstanding and known as the Wabash and Erie Canal Bonds, as provided for in the eighth section of this act: *Provided*, That after the payment in full of said subscribers or their assigns, as aforesaid, the holder or holders of any certificate whose, or whose assignor's bond or bonds were surrendered and cancelled, as in the said original act and this supplement is provided, on or before the first day of May, 1850, shall be entitled to the same preference and priority in the payment thereof, and to be paid in the same manner, as is provided for the payment of said subscribers to said advance, and their assigns, according to the time of such surrender and cancellation: any thing in this or the said original act to the contrary notwithstanding. *And provided*, That all payments of principal and interest to be made under or by virtue of this act, or the said recited act, amongst the said several classes of subscribers or holders of certificates (as the case may be) shall be made pro rata amongst the subscribers and holders of certificates in each such class, in the order and priority of payment given or intended to be given to each such class respectively, as aforesaid, first paying, in full, those first entitled and so on, *toties quoties*; and no interest shall at any time be charged upon any semi-annual deficit of interest which the revenues of the canal shall fail to pay: *Provided, also*, That the proceeds of sales of the lands in the Vincennes land district shall be applied only to the construction of the canal from Terre Haute to Evansville, or to the re-payment of the cash advances made by the bondholders for that purpose, until the said canal shall have been completed. The trust hereby created shall cease and determine, upon the payment of the principal of said certificates, which are hereby authorized to be paid out of the proceeds of said canal, at any time after twenty years from the passage of this act; and the State hereby reserves the right to redeem any of such certificates, at any time twenty years after the passage of this act, and after the repayment of said advance, as herein provided by paying the legal holder thereof the principal sum due thereon.

## DOMESTIC DEBT OF THE STATE.

### *Six Per Cent. Treasury Notes.*

Total amount issued.....	\$1,500,000
Redeemed—	
In 1841-2.....	147,700
In 1843.....	398,565
In 1844.....	200,525
In 1845.....	114,540
In 1846.....	147,370
In 1847.....	148,510
In 1848.....	70,580
In 1849.....	62,740
In 1850.....	86,000
In 1851.....	64,755
Total amount redeemed and cancelled.....	\$1,441,285
Leaving a balance of.....	\$58,715
From which deduct amount on hand for cancellation.....	27,530
Leaves total amount in circulation.....	\$31,185

### *Five Per Cent. Bank Scrip.*

Total amount issued.....	\$722,640
Redeemed—	
In 1843.....	46,350
In 1844.....	91,990
In 1845.....	72,405
In 1846.....	76,590
In 1847.....	100,320
In 1848.....	56,400
In 1849.....	56,350
In 1850.....	46,410
In 1851.....	72,335
Total amount redeemed and cancelled.....	\$619,150
Leaving a balance of.....	\$103,490
From which deduct amount on hand for cancellation.....	63,920
Leaves total amount in circulation.....	\$39,570



*Quarter Per cent. Treasury Notes.*

Total amount of issue.....	\$70,000
Redeemed—	
In 1848.....	28,750
In 1849.....	31,565
In 1850.....	12,165
In 1851.....	3,400
Total amount redeemed and cancelled.....	\$75,880
Add amount on hand for cancellation.....	755
Total amount redeemed.....	\$76,635
Excess of notes redeemed over notes issued.....	\$6,635

The attention of the last Legislature was called to this over-issue, and the matter referred to the committee of Ways and Means. They were however unable to ferret out the fraud, and therefore simply reported such facts as were found to exist. The loss to the State will probably exceed \$7,000.

**INTEREST ACCOUNT.**

The following sums have been paid at the State Treasury as interest on treasury notes:

Interest on treasury notes—	
On six per cents.....	\$294,090 80
On five per cents.....	109,405 51
On quarter per cents .....	634 46
Total amount audited.....	\$404,130 77
Add interest on notes on hand, 6 per cents.....	17,037 61
Add interest on notes on hand, 5 per cents.....	27,598 49
Add interest on notes on hand, $\frac{1}{4}$ per cents.....	15 10
Total.....	\$448,781 97

*Recapitulation.*

	Amount of Notes issued.	Notes redeemed and cancelled.	Notes on hand for cancellation.	Total principal redeemed.	Interest allowed on notes cancelled.	Interest on notes on hand.	Total interest ac- count.	Notes outstand- ing.
Six per cents.....	1,500,000	1,441,285	27,530	1,468,815	294,090 80	17,037 61	311,128 41	31,185
Five per cents.....	722,640	619,150	63,920	683,070	109,405 51	27,598 49	137,004 00	39,570
Quarter per cents .....	70,000	75,880	755	76,635	634 46	15 10	649 56	
Total.....	\$2,292,640	\$2,136,315	\$92,205	\$1,228,520	\$404,130 77	\$44,651 20	\$448,781 97	\$70,755

Provision being made for the redemption of the Five per cent. Bank scrip, by the Common School fund, derived from Bank profits, through the Sinking Fund Commissioners, it will mostly be absorbed through that channel, and will leave chargeable upon the ordinary revenues of the State the amount of Six per cents. in circulation, as follows:

Amount of principal.....	\$39,570
Estimated interest.....	18,500
Total.....	\$58,070
Principal of Six per cents. outstanding.....	31,185
Estimated interest.....	20,790
Total.....	51,975
Total domestic debt of the State.....	\$110,045



## VII. GENERAL REMARKS.

The statement of receipts and expenditures for the year ending October 31, 1851, shows the following totals:

Balance in treasury, Oct. 31, 1850.....	\$347,849 93
Receipts for the year 1851.....	984,398 95
Total receipts.....	<u>\$1,332,248 88</u>
Deduct amount of warrants drawn for same period..	1,150,988 66
Leaving balance in treasury.....	<u><u>\$181,260 22</u></u>

This is but an apparent balance, there being still a deficiency at the end of the year.

The true condition of the treasury is very nearly as follows:

Balance above stated.....	\$181,260 22
Add warrants outstanding, including \$16,000 McGinley claim.....	16,585 52
Borrowed from Bank.....	105,556 80
Total in treasury.....	<u>\$303,402 54</u>
Deduct balance in treasury to credit of W. and E. Canal Trustees....	146,398 25
Treasury notes on hand for cancellation .....	136,856 20
Total .....	<u>\$283,254 45</u>
Leaving the balance in the treasury Oct. 31, 1851....	<u><u>\$20,148 09</u></u>

The ordinary expenses for the support of the State government during the year, have been as follows:

## ORDINARY EXPENSES.

On account of Probate Judges.....	\$4,512 00
On account of Supreme and Circuit Judges.....	11,100 74
On account of State House.....	727 55
On account of specific appropriations.....	2,402 18
On account of public printing, paper and binding...	9,815 74
On account of legislative expenses .....	30,420 85
On account of State Library.....	242 21
On account of the militia.....	259 15

On account of stationery and fuel .....	3,177 09
On account of executive department .....	4,272 39
On account of contingent fund, to-wit:	
Postage for executive departments .....	\$351 74
Printing and records.....	40 75
Serving respites .....	37 60
Stationery .....	14 16
Attorney's expenses .....	16 75
Transportation of books .....	8 65
	<u>469 65</u>
On account of Governor's Circle .....	7 43
On account of Governor's House.....	484 87
On account of State's Prison.....	3,425 16
On account of distributing laws and journals.....	493 35
Total .....	<u><u>\$71,810 36</u></u>

This amount will be found to compare very favorably with the expenditures for the previous years, by reference to the following statement:

Ordinary expenses for 1846.....	\$69,136 59
Ordinary expenses for 1847.....	90,762 67
Ordinary expenses for 1848.....	79,273 98
Ordinary expenses for 1849.....	74,470 19
Ordinary expenses for 1850.....	83,615 10
Ordinary expenses for 1851.....	71,810 36
Total for six years .....	<u>\$469,068 89</u>
Average per annum .....	<u><u>\$78,178 15</u></u>

The expenditures of 1851 are therefore below the average some \$6,000, notwithstanding the large increase of population, and of new subjects for appropriation.

The ordinary expenditures of 1852 will be necessarily increased, and may be estimated as follows:

On account of the Legislature.....	\$80,000
On account of the Judiciary .....	17,000
On account of executive officers.....	7,000
On account of public printing and binding .....	10,000
On account of Probate Judges .....	5,000
On account of specific appropriations .....	2,000
On account of stationery and fuel .....	3,000
On account of State's Prison.....	3,500
On account of distribution of laws.....	500



On account of militia .....	300
On account of State Library .....	800
On account of State House .....	1,000
On account of Governor's House .....	500
On account of Governor's Circle .....	100
On account of public arms .....	100
On account of contingent fund .....	700
On account of prosecuting attorneys .....	2,000
<b>Total .....</b>	<b><u>\$133,500</u></b>

This estimate is for a four months' session of the Legislature, and the expenditures will be greater or less, according to its duration.

The revenue for the year 1850, including the delinquency of 1849, has been promptly accounted for by the collecting officers, and paid into the State Treasury with more than usual punctuality, and without the defalcation of a dollar. The small balances due from some of the Treasurers on account of previous collections, have all been adjusted without difficulty or delay. The details of this settlement will be found in STATEMENT No. I. of the appendix, and a general abstract thereof in STATEMENT No. II., the footings of which are as follows:

Amount of duplicate of 1850 .....	\$572,595 19
Amount assessed by Treasurers .....	4,689 76
Amount of delinquency collected .....	53,206 06
Errors in addition .....	5 85
<b>Total charge .....</b>	<b><u>\$630,496 86</u></b>

*Contra.*

By amount of delinquency .....	\$100,068 44
By erroneous assessments .....	3,442 94
By Treasurer's fees .....	20,599 68
By taxes refunded .....	1,504 89
By costs of printing .....	677 02
By payment at State Treasury of delinquency .....	159 60
By Treasurer's mileage .....	1,461 03
By amount paid State Treasurer .....	502,583 66
<b>Total credits .....</b>	<b><u>\$630,496 86</u></b>

The amount of revenue actually paid in is as follows:

By the Branches of the State Bank, to-wit:

Evansville Branch .....	\$444 62
Lawrenceburgh Branch .....	391 81
Vincennes Branch .....	334 36
Lafayette Branch .....	510 36
Indianapolis Branch .....	520 65
New Albany Branch .....	509 53
Fort Wayne Branch .....	165 60
Richmond Branch .....	578 43
Terre Haute Branch .....	518 94
Bedford Branch .....	196 69
Madison Branch .....	707 96
Michigan City Branch .....	472 50
South Bend Branch .....	121 13

	<u>\$5,472 58</u>
Paid by county Treasurers .....	502,583 66
<b>Total .....</b>	<b><u>\$508,056 24</u></b>

Statement No. IV of the appendix exhibits the result of the appraisalment with the exception of Cass county. The aggregate is as follows:

Acres of land assessed .....	16,899,670 44
Value of lands without improvements .....	\$89,798,853
Value of improvements .....	31,413,125
Value of lands and improvements .....	122,211,978
Value of town-lots and improvements .....	23,127,468
Value of corporation stock .....	2,861,855
Value of other personal property .....	61,572,342

<b>Total valuation .....</b>	<b>\$208,773,643</b>
<b>Number of taxable polls .....</b>	<b><u>151,523</u></b>

The estimated valuation in the county of Cass is as follows:

Cass county .....	2,200,000
<b>Making a total valuation of .....</b>	<b><u>\$210,973,643</u></b>



Statement No. V. exhibits the increased valuation of the several items, the average valuation per acre of lands and improvements, and the increase and decrease of polls compared with the assessment of 1850, in the counties from which reports have been received. The following is the aggregate:

Increased number of acres of land.....	74,713 44
Increased value of lands.....	\$31,141,632
Increased value of improvements.....	6,239,239
Increase of lands and improvements.....	37,380,871
Increase of town-lots and improvements.....	7,200,578
Increase of corporation stock.....	2,581,339
Increase of other personal property.....	25,548,770
Total increase.....	<u>\$72,711,558</u>
Increase of taxable polls.....	<u>3,157</u>

The new assessment commences in January, 1852, and it is important that such amendments as are deemed necessary to the law, should be enacted before that time. The law should prescribe the time when tax attaches to property, real and personal, and more fully define the powers and duties of the Boards of Equalization. It is also believed that the entire valuation of personal property, of every description, should be verified by the oath or affirmation of the tax-payer, or that the oath should be restricted to the invisible property, such as money on hand or on loan, bonds, mortgages, stocks, &c. The other visible property of the tax-payer should be particularly specified, and valued under separate heads, such as the number of horses, mules and asses, and their value; the number of cattle, and their value; the number of sheep, and their value; the number and value of swine; the number of carriages, wagons, coaches, hacks and other vehicles, and their value; the number of watches and clocks, and their value, &c. &c. It is only by this system of itemizing that the entire property of the State can be reached.

#### REVENUE OF 1851.

Statement No. VI. exhibits the amount of taxes placed on the Duplicates of 1851, except in the counties of Cass and Tippecanoe, amounting, in the aggregate, as follows:

State tax.....	\$696,062 65
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County tax.....	533,841 72
School tax.....	183,881 08
Road tax.....	154,414 88
District tax.....	31,046 26
Township tax.....	13,582 90
Miscellaneous taxes.....	23,082 85

Total taxes of 1851.....	<u>\$1,635,912 34</u>
Delinquent taxes.....	<u>181,682 00</u>

Total taxes, including delinquency .....	<u><u>\$1,817,594 34</u></u>
--	------------------------------

The estimated State revenue in the counties not reporting, is \$26,000, making a total assessment of \$722,062, of which there will probably be collected the sum of \$650,000, including the delinquencies of previous years.

This amount is assumed as a basis for the following calculations:

Estimated revenue from assessments of 1851.....	\$650,000 00
Receipts from miscellaneous sources .....	20,000 00
Cash in Treasury Oct. 31, 1851.....	20,000 00

Total receipts applicable to State purposes .....	<u><u>\$690,000 00</u></u>
---	----------------------------

Upon this sum will be chargeable as follows:

Amount due State Bank of Indiana.....	\$105,556 80
Estimated ordinary expenditures for 1852.....	133,500 00
Treasury notes received for revenue.....	25,000 00
January interest, 1852, and expenses .....	100,000 00
July interest, 1852, and expenses .....	100,000 00
Amount due Benevolent Institutions.....	100,000 00

Total .....	<u>\$564,056 80</u>
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Estimated balance in Treasury, Oct. 31, 1852.....	<u><u>\$125,943 20</u></u>
---	----------------------------

And thus the financial year 1853 may be commenced with a considerable surplus in the Treasury, or it may be appropriated to the liquidation of a portion of the State indebtedness.

Should all the outstanding Bonds be surrendered, the Public Debt of the State, on the 1st day of January, 1853, will be as follows:



5 per cent. Stocks.....	\$5,524,000
2½ per cent. Stocks, say.....	2,000,000
Total.....	<u>\$7,524,000</u>

The first payment of interest upon the 2½ per cent. Stocks, and of full interest upon the 5 per cents. becomes due on the 1st July, 1853, and the interest for that year would therefore be as follows, should all the Bonds be surrendered, a circumstance entirely improbable:

January Interest, 1853 .....	\$110,480 00
July Interest, 1853 .....	163,100 00
Making a total of.....	<u>\$273,580 00</u>

Without entering into a minute calculation, it may be safely estimated, under the present rate of taxation, that there will be a surplus in the Treasury in 1853, applicable to the redemption of the State Debt of not less than \$200,000; and this sum will be annually augmented by the increased amount of taxables, and the lessened liabilities for interest.

The domestic debt is so nearly extinguished as no longer to be regarded as a burden upon the Treasury. The Bank Scrip will be entirely absorbed by the Sinking Fund, and the six per cents will be principally redeemed in the collections of revenue for the current year. As early, therefore, as the opening of the year 1853, we shall be in readiness to apply all our resources to the gradual diminution of the Public Debt. And, however small the beginning, we may well believe that it will be hailed with joy by every citizen of the State.

State Bonds have been filled in blank, within the past year, and placed in the hands of the Agent of State, as follows:

Five per cent. State Stock, No. 977 to No. 2457, inclusive.

Two and a half per cent. State Stock, No. 1964 to No. 3451, inclusive.

Five per cent. Preferred Canal Stock, No. 1468 to No. 2984, inclusive.

I cannot conclude this report without an expression of thanks to the several County Auditors and Treasurers, for the promptness and fidelity with which they have uniformly furnished all required information from their respective offices, and the alacrity with which they have discharged the onerous duties growing out of the new appraisement. In a majority of instances the appraisement was not completed until the September session of the County Boards, and the amount of labor since performed by the County Auditors, would appear incredible to those who are not familiar with these offices. In

adjusting the compensation of the Revenue officers for the future, it is hoped there will be such a degree of liberality as to ensure the requisite ability.

Statement No. VII. exhibits the names of the Borrowers of the several Trust Funds, with the date of mortgages, and amount loaned.

All of which is respectfully submitted:

E. W. H. ELLIS,  
*Auditor of State.*







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